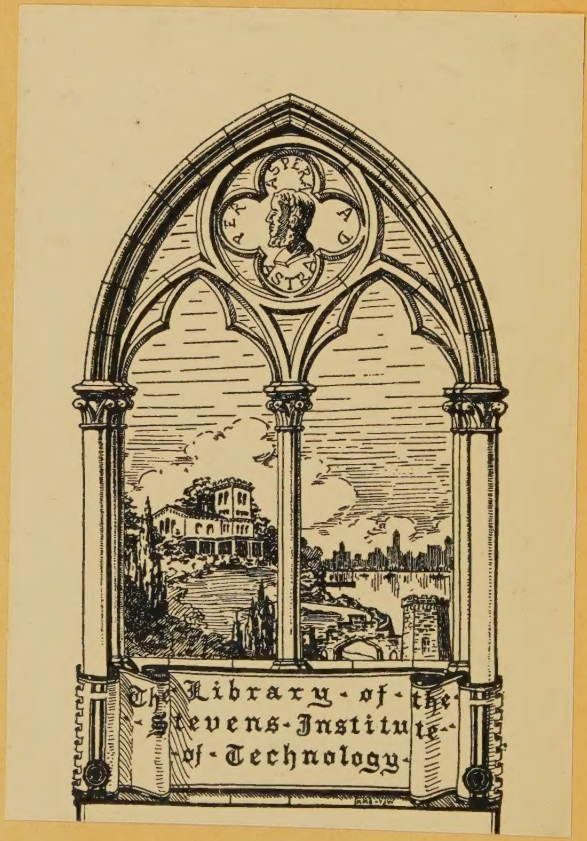
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THE AMERICAN ADVENTURE

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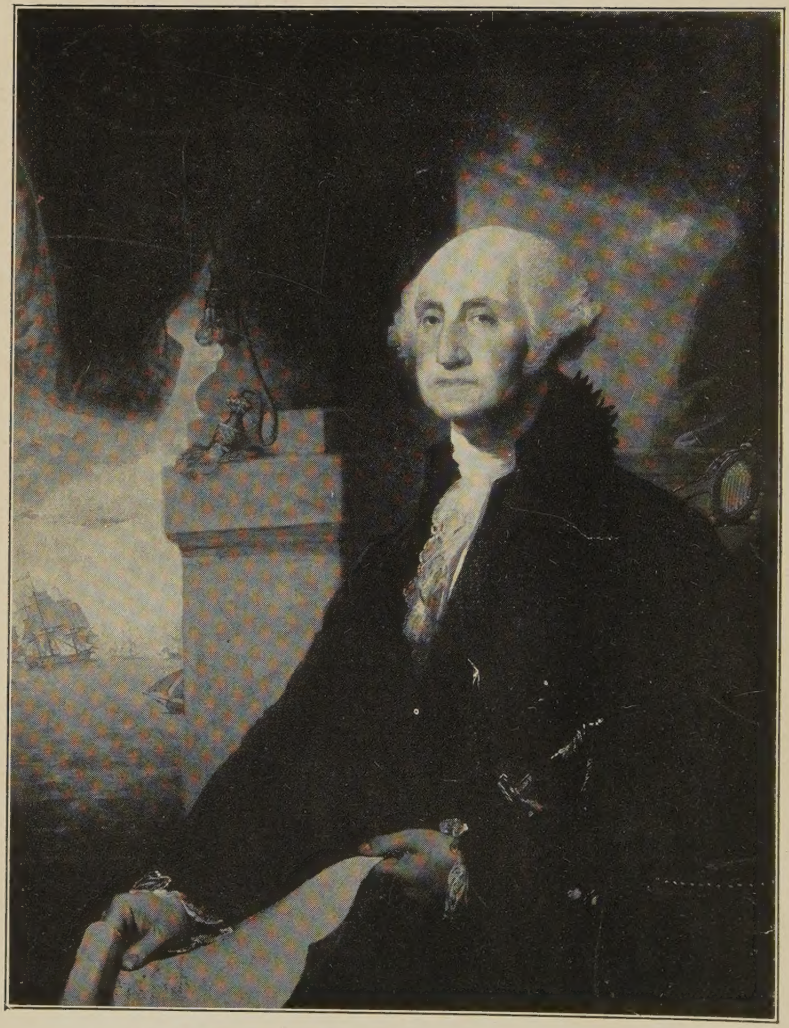

PORTRAIT OF GEORGE WASHINGTON BY GILBERT STUART

THE AMERICAN ADVENTURE

I
THROUGH THE CIVIL WAR

BY

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PREFACE

The last three decades have witnessed startling changes in our country's history: the venture on the "untried paths" of colonial expansion, the colossal development of industrial and financial interests, the stirring of the waters of social and political reform, participation in a war of unprecedented magnitude thousands of miles from home, the establishment of a quasi-protectorate over Latin nations in this hemisphere, the extension of the federal power (especially through the 16th and 18th Amendments) over matters which the citizen had been wont to think of as his private affairs. These policies have precipitated an immense amount of discussion as to their expediency and even their constitutionality. Are they departures from American traditions into the fields of economic imperialism, state socialism, and world entanglements; or are they the natural evolution of the American ideals of untrammeled opportunity, democratic solidarity, and the consciousness of a mission to extend the blessings of liberty under the Stars and Stripes?

Obviously, to have an intelligent opinion on these questions one must have some knowledge of the origin and the development of the institutions under which we live and through whose agency we are seeking to grapple with the problems which new occasions bring. The present is intelligible only in the light of the past. The pseudo-conservatism which maintains that wisdom ceased with our fathers is no less foolish than the pseudo-radicalism which boasts that wisdom commenced with ourselves. John Adams said that the causes of the American Revolution were to be sought in the history of the two centuries which preceded that memorable event. So it is with all our current problems. The generations that have shaped our national character, under the inspiration of political and social ideals cherished as distinctively American, still exert, and will continue to exert, a potent influence in determining the motives and methods by which we shape our present and future policies. Else the word "American" would cease to have significance.

For many an adult of this generation, whose schooling in the subject meant only "reciting" from text-books the appropriate political and military facts assembled under the caption of successive presidential administrations, American history is still a more or less confused jumble of names, dates, battles, and treaties. For some it is a collection of dessicated facts. For others it is a convenient arsenal to furnish weapons for propaganda. For comparatively few, even of the "educated laity," is it as yet what its true votaries would like to see it become for all; namely, the coherent story of the evolution of the great American Adventure in democracy from the colonial days to the present.

It is therefore a matter for congratulation that a large and ever increasing number of men and women realize an intellectual duty of historical understanding which is at the very basis of their civic responsibility. Again and again from this point of view the question is put to the present writer, as it doubtless is to his colleagues, "Where can I find a readable History of the United States, up to date, but not too long?"

These volumes are one attempt among several in the last few years to answer that question. Originally prepared for the use of college students in American history, they are, with the addition of illustrations and with certain changes in the text to bring it completely up to date, now offered to the general reader, in the hope that they may contribute to a better understanding and a more vivid appreciation of the significance of American democracy.

DAVID SAVILLE MUZZEY

Columbia University,
NOVEMBER, 1927.

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THROUGH THE CIVIL WAR

THE AMERICAN ADVENTURE

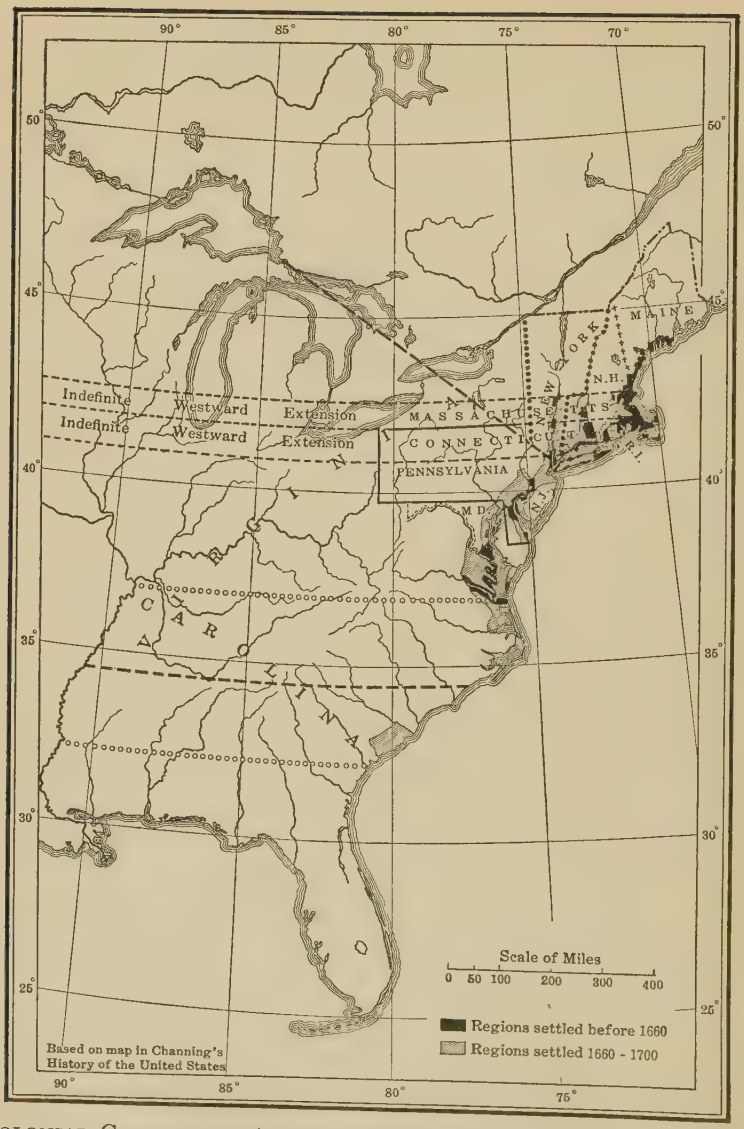
CHAPTER I

THE COLONIAL BACKGROUND

I shall yet live to see it an Inglishe Nation.—Sir Walter Raleigh

The Settlements

In the fourscore and six years that elapsed between the ceremonious advent of the first James Stuart to the English throne and the unceremonious departure therefrom of his grandson, the second James Stuart, a number of English settlements were planted on the Atlantic coast of North America from the Penobscot River in Maine to the Ashley and Cooper Rivers in South Carolina. Only along the New England shore was the border of settlements continuous, comprising near the close of the seventeenth century some 75,000 inhabitants, a third of the population of the colonies. Below the harbor of New York the coast was still a wilderness of forest, dune, and swamp, except for a few scattered families where Delaware and Chesapeake Bays joined the ocean, an ill-nourished colony of Virginian malcontents who had drifted down the shore of Albemarle Sound to the mouth of the Roanoke, and a group of latecomers three hundred miles further to the south around the pleasant waters of Charleston's rivers and bay. New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the Carolinas, so far as these names represented actual communities of settlers and not vast and indeterminate tracts of Indian wilderness granted by the Stuarts, consisted of less than 150,000 people living at forts and trading-posts, on plantations,



COLONIAL GRANTS AND ACTUAL SETTLEMENTS IN THE SEVENTEENTH CENTURY

Naturally these Scotch-Irish, German, and French settlers, seeking an asylum from religious and political persecution in the Old World, would furnish little encouragement in the New World to schemes for the imposition of an autocratic government or an orthodox faith upon the colonists. Their contribution to liberty and democracy in America was consistent and constant. They were readily assimilated to the English settlers, because an essential identity of interest brought them here. America was for them, as it has been for the millions of immigrants who have followed them, the land of opportunity in industry, of immunity from persecution, of community of political life.

Foreign immigrants, however, formed but a small fraction of the colonial life of America. It was English institutions—not German, French, or Dutch—that were permanently transplanted to the New World: English language, law, administration, letters, customs, and liberties. To the mother country, then, which sent out its tens of thousands to the new land, we must look for the motives and conditions that determined the early American settlements. To analyze these motives and conditions fully would be to write the history of England in the sixteenth and seventeenth centuries. It was a part of England that came to America, a part determined both by England's relations to the continent of Europe and by the interplay of classes, parties, and sects within England itself. Let us pass in review some of the more conspicuous of the motives and circumstances of colonial migration: commercial rivalry with Spain, industrial conditions in England, opposition to the political system of the Stuarts, and the desire for liberty of belief and worship.

One of the most significant features of that slow change from the medieval and feudal Europe of the fourteenth century to the modern and nationalistic Europe of the sixteenth century which is generally miscalled a "renaissance" was the shifting of the routes of trade from the Mediterranean and the inland cities of Europe to the Atlantic littoral. Venice, Genoa, Amalfi, Augsburg, Cologne, Marseilles, Lyons, and Ghent were

succeeded as marts of trade by Cadiz, Lisbon, Dieppe, London, Bristol, and Antwerp. The third stage of water-borne commerce was at hand. As the age of classical antiquity was ushered in by the substitution of landlocked sea commerce for the old river commerce of the Nile, the Tigris, and the Euphrates, so the modern age dawned with the widening of commerce to the great oceans. The three navigable oceans of the world were all crossed for the first time by European explorers in the single generation between 1492 and 1522.

The happy position of Spain and Portugal at the junction of the Mediterranean Sea and the Atlantic Ocean, and their proximity to the coast of Africa, along which the earliest lines of oceanic traffic ran, gave to the countries of the Iberian peninsula an early start in the new field of distant discovery and exploration. That they were not slow to seize that advantage is shown by their arbitrary division of the whole unexplored world between them at the close of the fifteenth century. The next century, however, saw the rapid rise of England and Holland as commercial powers in sharp rivalry with Spain and Portugal. The Elizabethan seamen who chased Spanish treasure ships along the islands of the West Indies and even into the very harbors of Spain were doubtless obeying the impulse of the buccaneer, but they were none the less laying the foundations of England's colonial empire. The earliest settlers who came to Jamestown and scores of the New England immigrants of the following decades had shared in the jubilation over the defeat of the Spanish Armada, which "ennobled many coasts with the wrecks of noble ships" (1588). They remembered from their boyhood days how gorgeous Queen Elizabeth had knighted Francis Drake on the quarter-deck of his brave ship, the *Golden Hind*, just returned from a voyage around the world, laden with the priceless treasures of plundered Spanish galleons (1580); or even recalled the storm of mingled dismay and indignation which swept over England when the Pope at the solicitation of the Spanish court launched his bull of deposition against their queen (1570). The Elizabethan seamen had the rare opportunity of serving both God and mammon by despoiling

what they called "the papistical Spaniard." The Virginia settlement of 1607 was not only a commercial venture but a blow at Spain's power, as was amply proved by the behavior of the latter country. On more than one occasion she sent ships into the James River, hoping to break up the settlement. A Spanish captain seized the *John and Mary* on her way to Virginia in 1620, loaded with colonists and supplies. And the Spanish ambassador in London was busy in season and out of season sowing discord among the members of the Virginia Company and poisoning the mind of King James against them with hints of "seditious" practices.

Less romantic, but no less compelling, were the economic motives which led to the English migrations of the seventeenth century. The national states which rose on the ruins of feudalism needed money above everything else. Political administration, commercial regulation, military defense, broadened out from municipal and local limits to a national scale; and with the process grew the need for a large civil service, for judicial and financial departments of state, for armies and fleets. The national treasuries were taxed to the utmost. Credit and funding systems were not yet in operation, the banks of Amsterdam and London not yet in existence. Actual money—gold and silver—was indispensable for running the state. Great quantities of the precious metals were taken from the mines of America by the Spaniards, and England diverted as much as possible of this treasure to her own coffers, either by the direct method of seizing the Spanish ships or by the indirect method of multiplying the output of her industries for the Spanish market.

The increase of gold and silver in the realm brought with it a rise in prices and rents which bore hard on the workingman and the farmer. Severe statutes held the laborer to work at wages fixed by the justices of the peace, under penalty of imprisonment or forced service if he refused. The harsh poor-laws and vagrancy laws of Elizabeth's reign show that the land was filled with "valiant rogues and sturdy beggars." As the farms were turned into sheep pastures, under the double

impetus of mounting rents and a widening wool market, the peasant class had to bear the poverty and distress that always accompanies an economic readjustment. The hands that had guided the plow were often idle a long time before they learned to operate the loom. Besides, with the closing of the monasteries, and the appropriation of their lands to endow the new nobility of Henry VIII, the mildest landlords in the kingdom had been dispossessed, and the chief comfort, charity, and asylum for the poor had been withdrawn.

When historians speak of the "overpopulation" of England in the seventeenth century as one of the causes of the colonizing movement, it is this economic condition that they really mean. It seems ridiculous to call the England of James I overpopulated, when the whole realm contained little more than half the number of inhabitants that the city of London does today. The distress arose not from England's crowding but from a radical disturbance in the scale of values. Luxury and extravagance, of which we begin to hear much in the "spacious days of great Elizabeth," brought their inevitable complement of poverty and squalor. "This land grows weary of her inhabitants, soe as man is heer of less price among us than a horse or a sheep," wrote John Winthrop, the leader of the Puritan migration to Massachusetts in 1630; and he continues, "We stand here striving for space of habitation . . . and in ye mean tyme suffer a whole continent as fruitful and convenient for the use of man to waste without any improvement." Shall we wonder that hundreds of able-bodied men preferred the hold of the emigrant ship, with freedom and opportunity at the end of the voyage, to a foul cell in a debtor's prison with renewed misery on their release!

When the prospectus of a colonizing company or the inducements of the shippers' agents failed to secure enough emigrants to people the colony, the government came to the aid of the proprietors by granting them permission to seize vagabonds, paupers, and criminals to take out to the plantations. King James I wrote a letter to the treasurer and council of the Virginia Company in 1619, commanding them to send to Virginia

a hundred "dissolute persons which the knight-marshall should deliver to them." A commission was appointed in 1633 to rescue from the clutches of the jailer persons convicted of certain crimes and to "bestow them to be used in the discoveries and other foreign employment." Soon after the restoration of Charles II (1660) transportation to the colonies was made the legal penalty for some crimes. Even as late as 1722 we find the Virginia legislature vainly striving to stop the importation of criminals. But the deleterious effect on the colonies of this migration of the "scum of England" has been much exaggerated. Comparatively few jailbirds and paupers came, and of those few the greater part were made over into diligent and self-respecting farmers and laborers by their strenuous life in the New World.[1]

The urge of adventure, commercial rivalry, and economic pressure were general stimulants to colonial migration, but the steady trend of the Stuart government toward political absolutism and religious coercion gave that migration its peculiar character of self-reliance. The Stuart absolutism was the attempt to extend a medieval system of government into an age which was rapidly becoming modern, an age in which there was emerging a bourgeois, or middle class, enriched by manufacture, farming, and trade, which broke up the old social framework of noble, priest, and peasant. History from the days of Solon to the days of Disraeli has demonstrated the truth that a share in political power cannot be permanently denied to a class that has acquired wealth. But the Stuart kings had little regard for the lessons of history. They proclaimed themselves "God's lieutenants on earth" and declared their prerogative "a mystery of state" and "a transcendant matter." They held themselves in no wise responsible to the people of England for the exercise of their powers. The Parliament they regarded as

[1] A peculiar form of colonial immigrant was the "indentured servant," or "redemptioner," who, in order to pay for his passage to America, sold his services for a term of years (often seven) and so became a sort of temporary slave. Professor John R. Commons reckons that half the English who came to the colonies were redemptioners.

a group of committees, only meeting when the sovereign graciously deigned to summon them, and dispersing at his order. The sovereign undoubtedly had the weight of tradition on his side, for the crown was the power around which the institutions of England had grown. It antedated the House of Commons by centuries. But already before the death of Queen Elizabeth the Commons were growing restive under strict royal patronage and tutelage. They dared to speak their minds openly, while the queen scolded them with tears of rage in her eyes, "Ye durst not have treated my royal father so!" With chivalrous memory of the great things their queen had done for England, the Commons forebore to press the quarrel.

But when the half-foreign dynasty of the Stuarts came to the throne the quarrel broke out. Danger from the Spaniard was past. Commercial wealth was multiplying wonderfully in the land. The extravagance of the court made increasing demands on the national purse. The Commons, recruited more and more from the representatives of the new prosperity, resented the thinly veiled tone of contempt in which the king addressed them, criticized him for his subserviency to a worthless set of courtiers, and made their grants of money contingent on the guarantee of privileges which they claimed were as old as Magna Carta. After a quarter of a century of wrangling over taxes and privileges, during which seven Parliaments were called in desperation and dismissed in anger, the king decided to do without a Parliament altogether. For eleven years (1629–1640) Charles I ruled England with the advice and support of his courtiers alone, squeezing the necessary revenues from a reluctant people by every device discoverable by ingenious lawyers and servile officials, improvising fines for new offenses, reviving feudal dues long obsolete, and even confiscating the private property of his subjects under the fiction of a loan to the state.

It was exactly during the years from the opening of James I's quarrel with Parliament to the close of Charles I's experiment in personal government (1604–1640) that the foundations of the American nation were laid. In those years the two colonies of Virginia and Massachusetts, which in a large measure

established political and social precedents for all the later settlements, were planted and took on a character which was to distinguish them down to the American Revolution. By 1640 these colonies had each received about 15,000 emigrants from the homeland,—not landed nobles, royal judges, courtiers, and officials, who were the natural champions of the Stuart prerogative, but men of the middle class, enterprising, inquiring, innovating people, to whom the spectacle of a rich and developing state serving the whim of an irresponsible monarch seemed an anachronism. They were the political misfits of England.

They were religious misfits also. Puritanism and "independency," religious and political dissent, went hand in hand. It was impossible that the children of the Reformation should reject the authority of Pope and prelate without questioning that of king and lord. Protestants who had fled from England during the persecutions of Mary the Catholic, in the middle of the sixteenth century, returned from Frankfort, Basel, Strassburg, and Geneva under Elizabeth's milder rule, imbued with the individualism of Calvin's theology. The habit of dissent from established forms of religion grew, in spite of acts of uniformity and threats of persecution. Under Elizabeth the Puritan laymen and lesser ministers were not seriously disturbed, but when James Stuart began his reign by rejecting their petition for freedom of worship and declaring that he would make them conform to the Anglican Church "or harry them out of the land," the emigration began.[1] It became an exodus during the decade of the personal government of Charles I, when Archbishop Laud of Canterbury, with relentless diligence, exacted conformity in faith and ritual, conceiving the Church, as Gardiner says, "not as the temple of the Holy Ghost but as the palace of an invisible king." Twenty thousand Puritans came to New England in the "great migration" of those years, while Roman Catholics sought

[1] Even Virginia, which was founded as a commercial venture, and which is generally contrasted with the New England settlements for conscience' sake, narrowly missed being a refuge for Puritans. Only a year after its foundation a number of Puritans preparing to migrate thither were, through Archbishop Bancroft's influence, forbidden by King James to leave the realm without his permission.

refuge in Lord Baltimore's new colony. We have already seen how the religious persecutions on the Continent in the seventeenth century sent French Huguenots, German Pietists, and Moravian brethren from the devastated Palatinate of the Rhine to add their strain of nonconforming blood to the population of the proprietary colonies of New York, New Jersey, Pennsylvania, and the Carolinas.

It is impossible, of course, to say in exactly what proportion the motives of commercial adventure, economic pressure, political protest, and religious dissent were mixed in the emigrants of the seventeenth century. The same John Winthrop who thought it a shame "to suffer a whole continent to lie waste without any improvement," and was himself "soe shortened" in his estate as not to be able "to keep sail with his equals," and who saw in the arbitrary sway of Charles I a sign that God would "bring some heavye Affliction upon this land and that speedylye," asserted that the chief reason for going to New England was to carry the gospel into America and "erect a bulwark against the kingdom of Anti-Christ." It is evident, however, that any of these motives singly or all together would produce a society in which courage, endurance, self-reliance, equality of opportunity, and jealousy of privilege would be conspicuous traits; and these traits, inherent in the very nature of the emigrants from the Old World, would only be brought into clearer relief by transplantation to the new home, where life was arduous, dangerous, unvaried, and singularly exposed to the inquisitorial judgment of one's neighbor.

Much has been written about the social and political contrasts between the colonial groups: the Puritan self-governing communities of New England, with the town as the unit of political organization, with Church and school the outstanding social institutions, and petty farming and extensive commerce the chief industrial pursuits; the Cavalier population of the South, with its broad tobacco plantations, its Episcopalian aristocracy, and its constant social commerce with England; the middle group of colonies, cosmopolitan in blood, varied in religion, contentious in government, and keen for trade. These contrasts doubtless

existed and played an important part in the development of the colonies. But far more important than the contrasts were the similar tendencies and common conditions of colonial life. The distance of the settlements from England, their virtual independence of continuous control by the home government, the need of finding their own resources for the development of the new land and often for defense against the Indians,—all served to intensify in the whole body of colonists the radical traits of the original settlers.[1] Radicalism in England was a mere episode in the turbulent history of the seventeenth century; in America it rapidly became a tradition. Even Oliver Cromwell condemned the "leveling politics" and religious anarchy of Rhode Island.

The things in which the colonists agreed, then, were far more significant than the things in which they differed. They spoke the same language, they preserved and adapted to their own use the same common law,[2] they brought the same traditions of political evolution—Magna Carta, the control of the purse, Habeas Corpus, and the criticism of royal ministers. It was not alone in Massachusetts, whose entire colonial history was an apprenticeship in the art of independence, that the birthright of Englishmen was cherished. Virginia began soon after its foundation to concern itself with the preservation of its freedom. The last house of Burgesses that met before the surrender of the charter to the king (1624) decreed that no tax should be laid on the colony without its consent, nor money spent without

[1] The English government never made the colonies a paternal concern, as did the European states. The king granted rights, but left to the corporations and proprietors the expense of exploration and settlement. There were no English fleets, like the Portuguese, Dutch, and Spanish, to convey colonial commerce; and even the English officials appointed by the crown to the colonies depended for their salaries, with few exceptions, on freely elected assemblies.

[2] Not only during the colonial period but even far down into our national history it was recognized that the English common law was in force in America. "Let an Englishman go where he will," said an English authority in 1720, "he carries as much of law and liberty with him as the nature of things will bear." And in 1815 Justice Story, of the United States Supreme Court, wrote, "We take it to be a clear principle that the common law in force at the emigration of our ancestors is deemed the birthright of the colonies."

its authorization. A few years later (1635) the Virginians deposed the king's governor, John Harvey, and sent him back to England,—an act called by Charles II "an assumption of royal power." A few years later still (1652), when Oliver Cromwell had sent over a warship to demand the surrender of the province to Parliament, the Burgesses drew up a "treaty" with him in which they declared that their submission was "voluntary," and demanded a guarantee of free speech, free trade, and exemption from all taxes not granted by their own body. If the Virginians of the Restoration and the Hanoverian period were attached to their king, their aristocracy, and their church, that attachment never meant servility. When it came to the choice between their interests and their attachment they were ready to sacrifice the latter. The early history of the relations of the proprietors to their settlers in Maryland, Pennsylvania, New Jersey, and the Carolinas furnishes many examples of the same spirit of jealousy of executive encroachments. "Among other detestable ills," wrote George Chalmers of London, in 1780, "the American climate seems always to have begotten a propensity to disobedience." Edmund Burke had said five years before in Parliament that the Americans were animated by a "fierce spirit of liberty."

The economic and social life of the colonists was that of a frontier community. They were a sparse population in a wide land and a poor population on a virgin land. The forest and the Indian, the rocky soil of the New England coast, and the swamps and jungles of the South were the obstacles against which they had to contend. The early years in most of the colonies were a time of great hardship and privation, establishing the tradition that it was a sifted people, "picked out by a strange contrivance of God," who were the founders of the American nation. There were no manufactures to gather the people into cities, for land was abundant and cheap, while labor was scarce and dear. Boston, the largest town of the seventeenth century, was a fishing-port and a mart of trade with the West Indies and the Old World. In New England generally the people were gathered in little communities seldom reaching a

thousand souls. The land was divided among the farmers in small holdings, and community life, as it centered in the town meeting and the church, was intensely vigorous and critical. In Virginia the early devotion of the colony to the growing of tobacco, in spite of the efforts of the king and the company to foster a more wholesome and varied production, led to the occupation of large tracts of land by the planters and made impossible the establishment of the town, with its local democratic features of meetinghouse and public school. On "court days" the squires would ride from miles around to the county seat and make a holiday with races, games, and flights of electioneering oratory. But a continuous round of meetings and classes was impossible in a region where one's neighbor's house was visible only through a field glass. The Virginia holdings averaged 450 acres in the middle of the seventeenth century and over 900 acres at the end of it, while patents of 20,000, 30,000, or even 40,000 acres were not unknown. At the close of the Stuart period a few thousand planters in Virginia had title to lands equal in area to the whole of England. These estates descended from father to eldest son by right of primogeniture until the time of the American Revolution, and naturally engendered an aristocracy of untitled squires. The middle colonies, except for the great patroonships along the Hudson, corresponded more closely in economic structure to New England than to the Southern colonies. There was little tobacco culture; the soil was glaciated; farming was the common occupation of the mixed population, while the Hudson opened an artery for the valuable fur trade. The beaver became the emblem of New York, as the "sacred codfish" did of Boston.

The Puritan settlers of New England were keen for popular education. Harvard College was established six years after Winthrop's company landed, and a law of the Bay Colony, passed in 1649, provided that every town of fifty householders must furnish a teacher of reading and writing, and every town of one hundred families a grammar school preparing for the college, "to the end that Learning may not be buried in the graves of our fore Fathers in Church and Commonwealth,

the Lord assisting our Endeavors." But "learning" for the New England Puritan was synonymous with theology. Intense as his intellectual life was, it was not so broad as that of the educated man of the Southern provinces. The explosive remark of an irritable old Governor of Virginia, "I thank God there are no free schools nor printing, and I hope we shall not have them in a hundred years," has been quoted again and again to prove that the Old Dominion was illiterate. But in spite of Governor Berkeley's deplorable piety of ignorance, William and Mary College was established in 1693, from whose halls have come four of the presidents of the United States. Addison, Pope, Congreve, Steele, Beaumont, and Shakespeare graced the shelves of private libraries, which, like Colonel Byrd's of Westover, sometimes ran into the thousands of volumes. Our French visitor the Duke of Rochefoucauld in 1795 thought that "a taste for reading was more prevalent among the gentlemen of the first class in Virginia than in any other part of America." The Apollo Room of the Raleigh Tavern at Williamsburg, where many of the early acts of the Revolution were planned, may share with Faneuil Hall of Boston the claim to be the "cradle of American liberty." Still, the public-school system, which spread from New England to the middle colonies, did not touch the region south of Mason and Dixon's line.[1] It is only since the Civil War that the Southern states have grappled seriously with the problems of the free public school.

Although the usual seventeenth-century idea of a Church established and maintained by the authority of the state prevailed in all of the colonies except Rhode Island and Pennsylvania, it was only in Massachusetts and Connecticut that religion was cherished with persecuting ardor and that the clergy became autocrats not only in questions of doctrine and morals but in practical politics as well. Perhaps the most deplorable

[1] The last royal governor of North Carolina (Martin) said that there were but two public schools in the colony in his day. The more prosperous colony of South Carolina had only three grammar schools in the eighteenth century. Noah Webster asserts that in 1785 Connecticut alone had a greater output of newspapers than all the states south of Mason and Dixon's line.

ARRESTING A WITCH

chapters in our colonial annals are the grim but fascinating pictures of Puritan intolerance in which the common human passions and affections struggle to pierce the cold mists of a repellent Calvinism, like the veiled sun on a late November afternoon. The "saints" of Massachusetts had nothing to learn from Archbishop Laud in "keeping the Lord's temple undefiled." In a convention held at Newtown (Cambridge) only seven years after Winthrop's company arrived, they found eighty-two "damnable errors and heresies" in the colony, which were punished with suitable whippings, fines, and imprisonments. They banished clergymen who attempted to use the prayer book like bishops, "those biting beasts and whelps of the Roman litter, those knobs and wens and bunchy Popish flesh." They drove Roger Williams out into the snows of a New England winter to find refuge among the more merciful Indians. They hanged Quakers on Boston Common and yielded to a perfect panic of persecuting zeal when a few poor old toothless, mumbling women were convicted of being the agents of Satan in bewitching the senses of the people of God. Nineteen persons were hanged and one old man was crushed to death under weights before the enormity of the witchcraft delusion was exorcised from the minds of the Massachusetts magistrates (1692). To understand the typical Puritan of seventeenth-century Boston one should read the diary of Judge Samuel Sewall, prominent in the witchcraft hunt though later repenting, and see him at his "awful but pleasing Christmas diversion" of arranging the coffins in the family vault, or deliberately driving his careless young son, by "strong representations of hell," into terrified conviction of original sin, or pressing his third courtship with a slyly amorous pomposity.

The Church of England was generally established in the colonies of the South, but religion was rather an amenity than a stern duty in those regions. The intense speculation and dogmatic interest and the inquisitorial guardianship of society which characterized Puritan New England were lacking. The Episcopal Church of Virginia and the Carolinas has been called with kindly humor "a gentlemen's club with a faint interest in

religion." The middle colonies showed a mingling of types in religion as in political and industrial life. Anglicanism came as far north as New York; Puritanism went as far south as Maryland. The two colonies which remained under the government of proprietors until the American Revolution (Maryland and Pennsylvania-Delaware) were founded as refuges for the two extreme forms of religious faith and worship: Maryland for the Roman Catholics, Pennsylvania for the Quakers. But the leveling influences of British trade and a varied immigration soon showed themselves in these colonies. Lord Baltimore had invited people of all religious faiths to come to his colony, forbidding only "unreasonable disputations on points of religion tending to the disturbance of the public peace"; and before the end of the seventeenth century the Catholics in his province were outnumbered by the Protestants more than two to one. Penn was forbidden by his charter to exclude Episcopalians from his province. But the prohibition was unnecessary, for the Quaker proprietor welcomed good men of every creed and practice in religion. Even Roman Catholics, who were excluded from the colonies quite generally,[1] were allowed in Pennsylvania, although the officials were scolded by the proprietor for "suffering the scandal of the mass to be publickly celebrated."

A visitor traveling through the colonies at the close of the seventeenth century would cross miles of wilderness by rude roads between little groups of settlements which formed the nuclei of our states. He would meet few fellow travelers, as his horse brushed the branches of encroaching maples or waded the muddy creeks, for such intercolonial trade as there was went by the coast waters. He would find a fairly homogeneous population of farmers, growing poorer and sparser as they pushed the first feeble wave of what was destined to be a mighty

[1] Besides Maryland the only colonies that tolerated the Catholics were Rhode Island and Pennsylvania. The reason was political rather than dogmatic. The Catholics quite generally refused to take the oath to support the Protestant throne in England, against which the Pope had launched his anathema in the sixteenth century. The oath called for a disavowal of the Pope's act, which a good Catholic could not make.

flood of westward migration against the foothills of the Alleghenies. He would discover that the pioneers of the "back country" were already of a somewhat hostile disposition to the richer merchants and planters of the coast region, who lent them money at high rates of interest and seemed singularly unresponsive to their efforts to extend the colony's territory. Still the wide chasm that yawns in our present-day civilization between rich and poor he would not find. The slum-dweller and the multimillionaire were alike unknown to the seventeenth century, for the great industrial age which has gathered our people into the cities where the slums are bred and our capital into the hands of promoters of industry on a world scale had not yet dawned. He might see a "common scold" gagged and set in her own doorway as a warning to passers-by, or a youth having his tongue bored through with a hot skewer for swearing, or a criminal on the scaffold being terrorized by the minister's vivid description of the everlasting torture into which he would presently be launched as the noose tightened around his neck. For the age was not delicate in act or speech. In most of the colonies a score and more of crimes and sins were punishable by death, while the stocks, public whippings, brandings, and mutilations were the edifying chastisements for minor offenses.

We look back on these early settlers of America as the founders of a nation, viewing their struggles and hardships, their first steps in self-government, their courageous challenge to the wilderness, in the light of subsequent events which made us a free, united, democratic people. But if the Declaration of Independence and the Constitution of the United States were latent in the Virginia assembly and the New England town meetings, the colonists could not know it. They came to these shores with a much more modest purpose than the establishment of a mighty republic. They were groups of refugees seeking an asylum from religious coercion, or business adventurers seeking first the gold, gems, and silks of the Orient and falling into contentment with the more prosaic products of furs, fish, tobacco, lumber, and rice. They were the first Americans, but they were already Englishmen of the seventeenth century; and in spite of all their

quarrel with the religious and political establishments of that century, they breathed its economic and social atmosphere. They were not liberal, tolerant, or humane, as we understand those words. Even in the colony in which Puritanism reigned supreme the logical results of Puritanism—political and social equality—were far from being realized. During the first half-century of its existence the Massachusetts colony admitted only about one in five of its adult males to the political privileges of "freemen." Governor John Winthrop spoke of the "commons" and the "meaner sort" much as an English lord might have done, and John Cotton said that he did "not conceive that God did ordain democracy as a fit government either for Church or Commonwealth."[1]

But the fathers builded better than they knew. Separated by the wide ocean from the autocracies and aristocracies of the Old World, from its imposing ecclesiastical establishments and its incessant political rivalries, confronted with the stern practical tasks of building their new homes, of providing defense against the Indians, of devising forms of government and justice, of developing lines of commerce, of assimilating newcomers of varied race and faith, the colonists learned gradually to lay aside the stiffness of manner and theory that characterized the Englishman of the seventeenth century and became democratic, inventive, quick-witted, confident. They ceased to be Englishmen and became Americans.

British Control in the Colonies

Because the American colonies broke away from the mother country by armed revolution in the last quarter of the eighteenth century, it has been too common a practice among historians to regard the whole colonial period in the light of that event, representing England as a kind of stepmother endeavoring to

[1] Winthrop wrote to Thomas Hooker, the founder of the Connecticut colony, in 1638 advising against consulting the people at large in the government, "*quia* the best part is always the least and of that best part the wiser part is always the lesser." Cotton found sanction in the Bible for life tenure for higher magistrates. The great mass of the inhabitants of Massachusetts, says Osgood, were "mutes."

impose her harsh will on her reluctant adolescent children. This is an entire misconception of the situation. The colonies were part and parcel of the English state. Their settlers were in overwhelming majority English subjects, who carried with them the language, law, institutions, and traditions of England. If the colonies are called "foreign plantations" in the official language of the time, the adjective in the phrase is used in its literal sense of "distant," and not at all as a synonym of "alien." They were not conquered provinces on whose inhabitants England was seeking to put the imprint of her civilization (as we are attempting to do in the Philippines, for example), but rather outlying parts of a nation that had just become very conscious of its unity. That the union between the colonies and the mother country was severed was due neither to deliberate oppression nor to willful provocation on England's part, but rather to certain features in the government of England; namely, the lack of developed organs of colonial administration, the stormy political history of the Stuart dynasty, and the prevalence of the so-called mercantile theory of trade. As the failure of England to secure and maintain effective control of the colonies is the basic fact of American history, we may profitably examine the causes of that failure.

In accordance with the accepted doctrine of the age of discovery, mariners and explorers were in the king's service, and the lands which they might find were taken possession of in the name and for the use of the sovereign. So John Cabot's discovery of Labrador in 1497 constituted the title of the English crown to the whole continent of America.[1] During the seventeenth

[1] This was a principle on which the English acted consistently throughout our colonial history. In 1623 they complained of the Dutch established on the Hudson as "interlopers." The charter of Charles II to the Duke of York in 1664 granted as "unoccupied territory" land that had been settled by the Dutch for fifty years. The French governor of Canada, anticipated by Dongan in the occupation of the upper Hudson, complained that "the king of England did grasp at all America." And Washington, in his embassy to the French commanders in the wilderness of what is now western Pennsylvania (1753), was ordered by Governor Dinwiddie of Virginia to warn them off of territory "so notoriously known to be the property of the crown of Great Britain."

century the Stuart kings parceled out the American coast to various chartered companies or individual proprietors or boards of proprietors, granting them not only the right to the soil but also various powers of government. The king never meant that either soil or inhabitants should pass out of the control of the crown. Companies and proprietors exercised only a delegated authority. We have constant examples in the early history of the colonies of the interposition of the will of the king. He stopped emigrant vessels in the Thames, requiring the passengers to take the oath of allegiance before sailing for America. He repeatedly sent commissioners to the colonies to carry his royal commands and to conduct investigations of the government. He ordered his law officers to bring action in the English courts to annul the charters of Virginia and Massachusetts, and even without the formality of a legal process resumed the powers of government which he had granted to Lord Baltimore and William Penn.[1]

But if the theory of the king's sovereignty in the colonies was complete, the exercise of it was far from perfect. Organs of administration were lacking both in the colonies and in England to maintain the authority of the crown. For fifty years and more after the settlement of Jamestown there was no permanent body or committee in the English state whose business it was to supervise the colonies; neither was there during that same half-century a single colony on the mainland of America (with the exception of Virginia after 1624) in which there was a single official appointed by the English crown and directly responsible thereto. From time to time under the early Stuarts (1603–1649) and the Interregnum (1649–1660) committees or boards of privy councilors, merchants or members of Parliament, were charged with colonial business. For example, a Council of Trade was appointed by James I in 1622 "to see how our laws do now

[1] William III, because of "great neglect and miscarriage in the government" of Pennsylvania, exposing the colony to danger from the French, put Penn's colony under the governor of New York for two years (1692–1694). Maryland, taken by the crown in 1690, was not restored until the fifth Lord Baltimore turned Protestant (1715).

stand in force for prohibiting of merchandise to be carried in forraine bottoms." A commission of twelve privy councilors was created by Charles I in 1634 with most extensive "power of protection and government" over the colonies, including even the right to remove colonial governors and visit offenses against the king with the death penalty. A board of six lords and twelve commoners (including the great names of John Pym and Oliver Cromwell) was appointed by the Long Parliament in 1643, with power to remove colonial officials. But the actual interference of these boards and committees with the affairs of the colonies was slight. Immersed in the turbulent stream of English politics, separated by the ocean from the American colonies, the councilors generally took the view expressed by an eighteenth-century writer that the "plantations were but inconsiderable and distant parcels" of the British domain. It was only on the eve of the American Revolution that a special department of state was created to deal with colonial affairs and Lord Hillsborough was placed at its head (1768).

Parliament counted for next to nothing in the government of the colonies in the seventeenth century. For a full half of the time between James I's accession and the civil war it was not in session, and even when it was in session it was fully occupied in endeavoring to assert its rights against the Stuart prerogative. On the one or two occasions on which Parliament showed any inclination to interfere in colonial questions (for example, the control of the American fisheries in 1621 or the investigation of the charges brought against Virginia in 1624) it was rebuked by the king and told that such matters were reserved exclusively for his privy council. The civil war brought the famous Long Parliament to the top for a few years, when an ambitious plan of colonial control was announced. But political and religious faction was so rife that Cromwell extinguished the liberties of Parliament as completely as either of his Stuart predecessors had done. With the Restoration of 1660 Parliament became an almost continuous body and began in earnest to enact laws for the regulation of colonial trade and to recommend

investigations of colonial administrations. But by that time the political habits of the colonies were fixed.

During the whole of the seventeenth century the conflicting authorities of crown and Parliament, of royal prerogative and representative legislation, of government by divine will and government by the will of the nation, were engaged in a bitter struggle in England. It is not surprising, then, that there was no effective assertion of either of these types of authority in the colonies. Every time that the king set out to assert his authority in the colonies he was thwarted by the turn of political events in England. Charles I came to the throne proclaiming his "full resolution that there be one uniform Course of Government in and through our whole Monarchie." The careful instructions to his royal governor in Virginia (1628), the appointment of a commission of privy councilors on colonial affairs (1634), the proceedings instituted to deprive Massachusetts of her charter (1635), and the appointment of a special customs officer in Virginia (1636) all point to a policy of royal control. But at the critical moment the outbreak of the Scottish rebellion diverted Charles from his purpose and involved him in a civil war which was to end only with his execution. The Interregnum was a period of such instability that Cromwell, in spite of a sincere interest in the colonies, was unable to develop any consistent policy of dealing with them in his short tenure of power. Of course, as a Puritan, his sympathies were with New England, where the powerful colony of Massachusetts Bay needed no lessons in "independency" from the master of the English Independents.[1]

A very vigorous policy of colonial regulation was initiated at the accession of Charles II. Standing councils for trade and plantations were created, in order that "so many remote colonies

[1] A curious attempt at the exercise of dictatorial power in the colonies was made by Cromwell when he tried to remove the entire population of Massachusetts to the island of Jamaica, which he had conquered from Spain (1655). He had to reduce Virginia to obedience by show of force, Governor Berkeley calling the parliamentary leaders "bloody tyrants" and declaring that Virginia did not "conceive allegiance due to every faction which might possess itself of Westminster Hall."

and governments, so many ways considerable to our crown and dignity, should be collected and brought under such a uniform inspection and conduct that we may better supply our royal counsells to their future regulation, securitie, and improvement." At the same time Parliament began to legislate for colonial trade by the famous Navigation Acts (which we shall notice presently), passed in 1660 and 1663. Furthermore, in the first four years of his reign Charles II gave charters to Connecticut and Rhode Island, conferred the vast grant of Carolina on a board of eight proprietors, granted the land between the Connecticut and Delaware Rivers to his brother, the Duke of York, and sent a commission of four men to the northern colonies (which Lord Clarendon declared were already "hardening into republics") to inquire into their religious, political, and economic condition and to make them understand once for all that the king's authority must be respected. "The King did not grant away his Soveraigntie over you when he made you a corporation," said the commissioners to the Massachusetts magistrates.

But again European events intervened to postpone the execution of this vigorous colonial policy of the early years of Charles II. Lord Clarendon fell from power in 1667 and England joined Holland and Sweden in the Triple Alliance against Louis XIV. A tumultuous period followed, filled with Dutch wars, Exclusion Bills, and Popish Plots, with fears of France and Rome, and factions of Whig and Tory. When order was restored and the succession to the throne assured to the Duke of York, the policy of colonial regulation was again resumed. The Massachusetts charter was taken away by Charles II in 1684, and his brother James, who came to the throne the next year, proceeded to confiscate the other charters and to unite the northern colonies from Mount Desert to Delaware Bay in a single great viceroyalty under Sir Edmund Andros.

The career of Andros (1686-1689), who was not an "odious tyrant" but an able and conscientious servant, is one of the best-known and most important episodes in all our colonial history. It marks the climax of the Stuart policy in America. Had this

most ambitious plan of colonial control in the seventeenth century succeeded, every charter in the colonies would have been annulled, royal officials would have taken the place of elected officers, the courts would have been only inferior jurisdictions with appeal to England, the viceroyal council would have framed and promulgated all the laws, English "redcoats" (sixty of whom had come over in the man-of-war with Andros) would have formed the nucleus of a mixed army in the colonies, English men-of-war would have patrolled the American coast, the Anglican Church would have been established in the stronghold of Puritanism, taxes would have been arbitrarily levied by order of the governor and council, the ungranted land of the province would have been resumed by the crown, and quitrents would have been collected from the occupied portions as a sign and symbol of English sovereignty.[1] But the structure of absolutism reared by Andros in the colonies went down with the collapse of Stuart despotism in England. Under the new king, William III, defender of Parliament and Protestantism, of Magna Carta and the Bill of Rights, every American colony was assured of its legislative assembly, its free tenure of land, its unimpeded administration of justice, and its liberty of worship.

[1] The quitrent was a small land tax paid to the crown in England. As the name implies, it was a commutation or relief, to be "quit" of the feudal dues of the medieval period. The king generally made over to the proprietors of the American provinces this right of collecting quitrents, but as the colonists repudiated all feudal obligations as barbarous and outgrown, they saw no reason why they should be taxed for their commutation. The quitrent, therefore, was resisted successfully in all the colonies except Maryland. In England the quitrent might be in the nature of a relief, but in America it looked like a plain tax. There was no sign of the quitrent in New England, and when Andros revived the doctrine that the soil belonged to the crown and called the Indian signatures to deeds to be of no more account than "a scratch of a bear's paw," the Reverend John Higginson of Salem replied for the men of the colony, "We received only the right and power of Government from the King's Charter . . . but the right of the Land and Soil we received from God according to his Grand Charter to the Sons of Adam and Noah, and with the consent of the Native Inhabitants." This supernal charter could hardly hold good in English law.

Thus, four times in the seventeenth century—in the decades beginning with the years 1631, 1651, 1661, 1681—England entered on a more or less vigorous colonial policy, and four times political exigencies thwarted her plans.[1] Meantime, while England blew hot and cold, the colonies were steadily developing from what were originally trading companies or bands of refugees into political communities, more and more conscious of their social and economic interests, more and more jealous of the rights of their popular assemblies, more and more thoroughly equipped with both the organs and the habits of self-government.

Whether this development could have been hindered, had the English government consistently realized it (as did a few men in England, like Gorges, Mason, and Randolph), is a question that it is useless to discuss. The fact is that the English government did not realize it. England persisted in viewing the colonies primarily as areas of production and marts of trade, and to this view she subordinated all her theories of political control. This misconception of the true nature of colonies was not due to caprice or deliberate oppression on England's part. It was the generally accepted idea of overseas colonies, fitting the prevalent "mercantile theory" in economics, which held that a nation's prosperity was measured by the amount of precious metals that it could amass by favorable trade balances. To sell abroad, therefore, as much as possible for money, and to buy abroad with its own manufactures such raw materials or such indispensable supplies for its navy or food for its people as it could not produce at home, was every country's ideal of commerce. And the value of colonies was that they furnished at the same time both the raw materials, foodstuffs, and supplies that the home country needed and the market for her

[1] That England's policy, however, stiffened in this period is shown by a comparison of the charters granted to Lord Baltimore (1632) and William Penn (1680). Baltimore was given virtually unlimited powers in his province, while Penn was obliged to keep an agent in London, to admit Anglicans to his colony, and to submit to the right of the king to veto his laws and of Parliament to tax his people.

manufactured goods. Scholars have called the policy which tried to realize this ideal of commerce the "Old Colonial System." From the day when James I prohibited the planters of Virginia and the Somers Islands from sending their tobacco to any country but England (1621) down to the outbreak of the American Revolution a century and a half later, the trade of the colonies was regulated by various Orders in Council and statutes of Parliament. The most important of these regulations are contained in the Navigation Acts, or Acts of Trade, of the second half of the seventeenth century. They laid the basis of the Old Colonial System and were, in the clauses which applied to America, briefly as follows:

1. An act of 1651, forbidding the products of Asia, Africa, and America to be carried to ports within the dominion of England except in vessels owned and in major part manned by English subjects; and forbidding the goods of Europe to be brought to such ports except in English ships or ships belonging to the country in which the goods were produced or to the ports from which they were usually shipped.[1]

2. An act of 1660, reënacting the provisions of the act of 1651, and also specifying certain important products of the plantations, called "enumerated commodities," including tobacco, sugar, cotton, wool, indigo, ginger, and dyes, which could be exported from the colonies only to England or to other colonies of England. Ships leaving an English port for the American colonies had to give a bond with the chief customs officer of the port that if they loaded in the colonies with any of the enumerated articles, they would bring them back directly to England; and ships from Europe visiting the colonies had to deposit a similar bond with the governor of the colony in whose port they were lading.

[1] This act, aimed against the carrying trade of the Dutch, did not hinder the colonies from buying or selling where they pleased in Europe if the vessels they traded in were British built, owned, and manned.

[2] This important act determined not only the kind of vessels in which colonial goods should be carried but also the destination of certain of these goods. The student will note, however, that with the exception of tobacco the enumerated articles of 1660 are all products of the West Indies rather than of the American mainland. They were articles which did not compete with English production, hence they had a favored market in the mother country.

3. An act of 1663, providing that all goods imported into the American colonies (except salt for the fisheries, provisions, horses and servants from Ireland and Scotland, and wines from Madeira and the Azores) must first be brought into English ports and there be reshipped.[1]

4. An act of 1672, providing that specified duties should be collected in the colonies on all enumerated articles loaded on ships whose masters did not give the bond required by the act of 1660. Those duties should be paid in the colonies, at such places and to such officers as the commissioners of customs in England might designate.[2]

5. An act of 1696, reaffirming the acts of Charles II's reign and containing stringent clauses for securing the responsibility of revenue officers, with penalties for smuggling or false registry; and authorizing collectors and inspectors to visit and search ships, wharves, or warehouses to seize unlawful merchandise.[3]

Now these measures of the Old Colonial System were enacted not at all for the purpose of injuring the colonies, but rather of mutually benefiting the trade of the colonies and the mother country. They even contained liberal concessions to America in the way of drawbacks, bounties, and prohibition of European competition in the British markets. But for all that, they proved burdensome to the Americans from the outset. The English market became less and less adequate to absorb the colonial tobacco crop.[4] The duties collected on the enumerated

[1] This act made England the "staple" for colonial trade. The duties collected in English ports on European goods destined for the colonies protected the British merchants from competition. On articles which did not compete with British production the duties were generally remitted, on reshipment to the colonies, by a system of "drawbacks."

[2] This was the first act imposing duties to be collected in the colonies by revenue officials appointed in England. Such officials were actually designated in Virginia, the Carolinas, New York, and Massachusetts.

[3] This severe act of 1696, says Professor Edward Channing, "added the finishing touch to the colonial system so far as shipping was concerned. . . . All further shipping laws were in the nature of detailed regulations" to carry out the law of 1696. The text of the acts above tabulated may be found most conveniently in Professor William MacDonald's "Select Charters Illustrative of American History, 1606–1775," Nos. 22, 23, 28, 34, 43.

[4] The 20,000 pounds of Virginia tobacco exported in 1619 grew to 28,000,000 pounds (Virginia and Maryland) by the close of the century. The colonists were not allowed to sell an ounce of this to Europe; but England, after

articles in England were high, and it was both a nuisance and an expense for vessels carrying nonenumerated goods from the colonies direct to Europe (as they had a right to do) to be obliged to bring their return cargoes home by way of England (act of 1663) and to suffer all the delay and damage incident to transshipment. Worst of all, enforcement of the acts would inevitably mean a stricter political control of the colonies, a closer relationship between the governors and the crown, the multiplication of royal officials in the colonies, and perhaps even the presence of English warships in American waters.

"It is far more easy," says a historian of the eighteenth century, "to enact these various laws than to enforce their punctual execution. Even the best-affected colonies,—Barbados, Virginia, Maryland,—considering them as inconsistent with their privileges and destructive of their infant commerce, hesitated to obey or eluded their provisions." As for the worse-affected colonies of New England, "which trafficked without restraint wherever hope of gain attracted their navigators," and which, according to a petition of English merchants to Parliament, were diverting annually £60,000 of revenue from the treasury by their infractions of the Navigation Acts, it is enough to read the angry complaint of Edward Randolph, who was appointed the first collector of customs in Massachusetts (1680): "I am received at Boston more like a spy than one of his Majesty's servants. . . . It is in every man's mouth that they are not subject to the laws of England, nor are they of any force in Massachusetts until confirmed by them, and that yo^re^ Ma^ty^ had nothing to do with them, they were a free people."[1] The Navigation Acts were proclaimed with beat of drum in the market place at Boston, but they were

collecting the duty on it, reëxported 17,580,000 pounds, or over 60 per cent of the crop, to Europe.

[1] R. N. Toppan, "Edward Randolph," Vol. III, pp. 54–64. A curious confirmation comes from another source in the same year. Patoulet, a French intendant in the West Indies, wrote to Colbert, "The English who dwell near Boston will not worry themselves about the prohibitions which the King of England may issue, because they hardly recognise his authority" (George Louis Beer, "The Old Colonial System," Pt. I, Vol. II, p. 310).

not heeded. King Charles seized the charter of Massachusetts, and King James sent Andros to make Boston the capital of a viceroyal province in America; but it was all of no avail. The New England colonies were already, in the despairing phrase of Lord Clarendon, "hardening into republics."

Thus we have seen that neither the political nor the economic control of the American colonies by England was realized in the seventeenth century. They should have reënforced each other in an efficient system. As early as 1623 a member of the Virginia Company urged a stricter regulation of the colony's trade by the crown, "mutual commerce being the strongest bond that will unite Virginia to this state." Again, under the Protectorate of Oliver Cromwell (1656) an influential merchant named Povey presented an "Overture" to the Council of State, with the purpose of consolidating the economic resources of the realm in its war with Spain: "to reduce all Collonies and Plantations to a more certaine civill and uniforme waie of Government and distribution of publick justice . . . that our shipping may be increased, our poore here employed, and our manufactures encouraged . . . and by generall consequences hereof a considerable Revenue may be raised to his Highness." As it became evident that the Acts of Trade, so far from bringing the colonies into closer political dependence on England, needed themselves just that condition of colonial dependence in order to be effective, the English government set itself seriously to work in the latter half of the seventeenth century to supply the deficiency. But the colonies were already in a sense beyond English control. Self-direction was growing into a habit with them, not so much from any deliberate plan as from the simple facts of their situation and settlement. For we must remember that the colonies were separated by three thousand miles of ocean from the homeland, and that even under the most favorable conditions it took three months for a communication and answer to pass between them;[1] and,

[1] We see how this delay encouraged the "passive resistance" of the colonies to unwelcome orders of the King. The commissioners sent out in 1664 report the men of Massachusetts as saying that "they can easily spin out seven years

furthermore, that the American colonies of England were not, like the distant colonies of the continental nations, founded, maintained, and garrisoned by public expense, but were adventures of private initiative, bound to the king by allegiance but not beholden to him for support.[1]

Again, the colonists brought with them the habit of local government in seventeenth-century England: its county courts, its parish vestries, its municipal mayors and aldermen, its justices of the peace, its constables, wardens, and tithingmen. This all engendered a political alertness which was in striking contrast to the leveling and lulling despotism of the French and Spanish colonial administration. Being used to manage so much of their own business, in local meetings or provincial assemblies, the colonists naturally wished to manage all their own business. They developed much farther in the direction of independent statehood than any English county could, because large powers of government were granted by the king's charters to the companies or proprietors that founded them, and the royal officials in the colonies were very few until the appointment of customs officers to enforce the Navigation Act of 1672.

Finally, even such delegated authority of the crown as there was in the colonies was wholly executive in character, whereas the colonists looked to their elected assemblies as the directive institution in their political life. Governors, councils, judges, treasurers, collectors, surveyors—all were there to carry out the will of the people. We find this theory of government advanced not only in "republican" New England but also in proprietary

in writing, and before that time a change may come." Charles II informed them that "his Majesty did not think of treating with his own subjects as with strangers." But geographically they were strangers, nevertheless, and they maintained their "diplomatic attitude" with striking success.

[1] Sandys of the Virginia Company protested as early as 1623 against the British monopoly of Virginia tobacco: "Our Plantations were both settled and supported by the charge of private adventurers." The Massachusetts Assistants, in 1649, declared that their duty to England was acquitted with the payment of one fifth of the gold and silver mined in the colony and with prayers for England's welfare!

Maryland and royal Virginia. The English Parliament had to wage a long and bitter fight in the seventeenth century to defend certain fundamental liberties against the encroachment of the royal prerogative. The American colonies, in a remote and virgin land, were relieved of the weight of that prerogative. With royal and proprietary appointees dependent on the grants of their assemblies for their very bread, with a trade rapidly outgrowing and successfully defying the restraints put upon it by the home government, with increasing neglect and contempt of acts of Parliament strictly worded but laxly enforced, the colonies came to regard the lawful intervention of the king in their affairs like the unwarranted intrusion of a tyrant.

Today colonies in civilized lands are bound to the mother country generally by a rather loose federation, their allegiance depending less on any explicit political pact than on a sentiment of pride in the common glory of the empire. But the theory of colonial control prevalent in the seventeenth and eighteenth centuries involved, as we have seen, the strict regulation of colonial commerce in the interests of national dominion, and the responsibility of colonial political authorities for the maintenance of the commercial system. To have put this theory into successful operation in the American colonies would have required one of two things: either a complete unity of interests between the colonies and the mother country (such as was assumed again and again in the affable proclamations of English monarchs from Charles I to George III) or the utter subserviency of the colonies to the English crown and Parliament. The first of these alternatives the colonies knew was a fiction; the second they felt was an insult. Here, then, in the failure of British control in the colonies of the seventeenth century, is the germ of the American Revolution. The eighteenth century will only furnish the cumulative evidence of the failure of the policy of the seventeenth, and in the end will dissolve those bonds which it is hardly an exaggeration to say we never formed.

The Expulsion of the French

From the accession of William of Orange to the English throne, in 1689, to the fall of Quebec, seventy years later, the one constant factor in the history of the English colonies in America was the presence and pressure of the French on their northern and western borders—"the Gallic peril." Established in permanent settlements on the shores of the Bay of Fundy and the banks of the St. Lawrence at about the same time that the English colonies were started in Virginia and New England,[1] the French had had a very different history and development. The rapidly growing English colonies had expended their energy intensively in economic and political activities, cultivating their tobacco, wheat, and rice for export, building up their commercial ports, exploiting the forests and fisheries near their coasts, and developing their organs of local government in assemblies, courts, vestries, and town meetings. The French in Canada, on the other hand, forbidden the least exercise of self-government by the despotic authority of Louis XIV, scantly supplied with capital for the cultivation of the unremunerative glacial soil of the St. Lawrence valley, themselves but a handful of men in a vast wilderness, found an outlet for their restless spirits in ambitious schemes for winning a continent for the glory of France and its savage tribes for the Church of Rome. The story, in all its thrilling details of courage and pathos, of cruelty and persecution, can be read in Francis Parkman's unrivaled volumes on the French in America. Before the close of the Stuart period the French adventurers and missionaries, the fur-traders and wood-rangers (*coureurs de bois*), had gone up the St. Lawrence and the Great Lakes, established their forts and missions as far as west the point of Lake Superior, crossed the portages from Lakes Erie

[1] Port Royal, Acadia, was founded in 1604, Jamestown in 1607, Quebec in 1608, Plymouth in 1620, Maryland in 1632, Montreal in 1642. An interesting anticipation of the long rivalry between France and England in America was Samuel Argall's attack on Port Royal in 1613, on the ground that the settlement was within the limits of the Virginia grant of 1606.

THE ENCIRCLING FRENCH

and Michigan to the headwaters of the Ohio basin, ascended the Mississippi to the Falls of St. Anthony (Minneapolis and St. Paul), and finally, in the person of the intrepid Cavelier de La Salle, followed the Father of Waters down to its mouth and planted the lilies of France on the shores of the Gulf of Mexico. So the French power extended, with its sparse cordon of forts, missions, and fur posts, in a huge arc of twenty-five hundred miles, from the mouth of the St. Lawrence to the mouth of the Mississippi completely enveloping the English colonies on the Atlantic coast.

The English began to realize the "Gallic peril" in the fateful decade that saw the overthrow of the Stuart dynasty. Thomas Dongan, the Duke of York's able governor, arriving in his American province of New York the year after La Salle had reached the mouth of the Mississippi (1683), found the province in dire danger. Count Frontenac, governor of New France, had just completed a ten-year period of vigorous rule at Quebec. He had labored without ceasing to extend the bounds of New France, to increase its military efficiency, and to unite its inhabitants in enthusiasm for the maintenance of the power of Louis XIV on the American continent. He was especially concerned to win the confidence of the Seneca Indians, so that he might gain access to the Ohio valley through their lands to the south of Lake Ontario.[1] He even entertained the hope of weaning the Iroquois tribes from their attachment to the English and of descending the valley of the Hudson with his French troops and Indian allies to drive the Duke of York's governor from his capital. Thus he would sever the New England colonies from their southern sisters and secure for the king

[1] The Senecas were the westernmost and largest tribe of the Iroquois Confederacy, a league of five semicivilized tribes extending across the central part of New York from Lake Erie to the lower Mohawk valley. In 1609 Champlain, by joining the Algonquins in a battle against the Iroquois, had inspired in the latter a fierce hatred against the French, which devoted Jesuit missionaries and successive governors at Quebec labored in vain to remove. The friendship of the Iroquois proved of inestimable advantage to the English on the Hudson. The Indians acted as a buffer against the French and kept them from reaching the Mississippi Valley by the easy route south of the Great Lakes.

of France the finest harbor on the Atlantic coast for the terminal of the important fur trade of the vast interior.

Dongan's spirited correspondence with Frontenac's successors, La Barre and Denonville, is the first clear note of defiance sounded by the English against the encroachments of the French.[1] Dongan was in the midst of his ardent epistolary altercation with Denonville when Governor Andros arrived in Boston (December 20, 1686) to fuse the colonies of New England, with New York and New Jersey, into a single royal province.

We have already noticed the mission of Andros as the last attempt of the Stuarts to secure recognition of their authority and obedience to their commercial regulation in American colonies (see page 25). But the Andros government has another aspect quite as important. It was not only the culmination of the Stuart policy of the seventeenth century but also the foreshadowing of the Hanoverian policy of the eighteenth; namely, the consolidation of the colonies to meet the threat of the French and Indians on their borders. Andros brought a few British redcoats to Boston and made plans for the chastisement of the Indians, who, under French provocation, were threatening the settlements in Maine and New Hampshire. But he had no support from the colonies. In their eyes he was a greater danger even than the Indians, for he was an enemy to their chartered rights, an Anglican infected with "prelatical corruption," and the devoted servant of a "popish" king. Instead of trusting him to defend them against

[1] A few years before Dongan's arrival the intendant of New France at Quebec wrote to Paris that a "grand future" was before the French in Canada and that "the colonies of foreign nations (England) so long settled on the seaboard [were] trembling with fright" in view of what Louis XIV had accomplished. But Dongan's letters give little hint of fear. The bluff old Irishman spared neither vituperation nor sarcasm. He wrote Denonville to know whether "a few loose fellows rambling among the Indians to keep from starving gave France a right to the country," or the fact that "some rivers or rivuletts run out into the great river of Canada." "O just God!" he exclaimed, "what new farrefetched and unheard-of pretense is this for the title to a country! The French King may have as good a pretense to all those countreys that drink clarette and brandy!"

the danger from Canada, the Puritan leaders in Massachusetts entertained the fear that his plan was to betray their province to the Catholics of New France. What else could be the meaning of his insolent reminder that "the privileges of Englishmen would not follow them to the end of the world!"[1]

The Stuart plan of a consolidated military province in America, therefore, failed at just the moment when it was most needed. The plan was not renewed when William of Orange's accession to the throne relieved both the mother country and the colonies of the fear of a Catholic and absolutist reaction. For, in the first place, William, involved in a tremendous struggle with Louis XIV on the Continent, had to divert his attention for a while from the colonies; and, in the second place, as the Whig champion of parliamentary rule, he could hardly with good grace confiscate colonial charters and suppress colonial assemblies. A compromise was therefore reached. Connecticut and Rhode Island were allowed to resume government under their old charters, and Massachusetts received a new one, providing for a royal governor. New York was given an assembly. Governors no longer brought royal troops with them to their provinces, as Andros had done, but, at the same time, instructions to royal officials in America to maintain the prerogatives of the crown began to grow long and explicit, and the Navigation Act of 1696 (see page 29) placed in the colonies a number of collectors, naval officers, surveyors, and admiralty judges—the first considerable body of English officials in America.

In the generation immediately following the expulsion of the Stuarts there were many measures taken by the crown for tightening royal control in the colonies without invading chartered rights or traditional liberties. The royal veto was freely

[1] The "Gentlemen, Merchants and Inhabitants of Boston" declared in a manifesto of April 18, 1689, "We have seized upon these few ill men which have been (next to our sins) the grand authors of our misery . . . lest ere we are aware we find ourselves to be given away to a Forreign Power." So also Jacob Leisler seized power in New York in 1689 to prevent the province from being betrayed to the French by the governor's councilors, whom he calls "Popishly affected Dogs and Rogues."

DRIFT TOWARD ROYAL CONTROL IN THE COLONIES, 1682–1752

exercised over acts of the colonial legislatures (though it was abandoned over acts of Parliament in 1707); right of appeal to the king's Privy Council was extended to private individuals in the colonies; Parliament passed laws establishing a colonial post office and regulating colonial currency; the same man was often made governor over two or more colonies; and, finally, the crown was prompt to convert the proprietary provinces into the royal type on the least provocation. The Jerseys were taken under royal control in 1702, and the rights of the Carolina proprietors were purchased by the crown in 1729. Even Pennsylvania and Maryland did not escape passing under royal control for a brief season. The Tories in England, supported by the Anglicans in the colonies, urged that the king confiscate all the American charters and make an end of Quakers, Puritans, and Independents in the colonies. Bills introduced into Parliament for this purpose in 1701, 1706, 1715, and 1722 were defeated by the Whigs. Yet the process went far. In 1682 Virginia and New Hampshire were the only royal colonies on the mainland of America. Fifty years later the New England colonies of Connecticut and Rhode Island and the proprietary provinces of Penn and Baltimore were the only ones *not* under direct royal government.

The whole burden of American history in the eighteenth century is the demonstration of the unworkable character of this compromise in colonial government arrived at by the victorious Whigs of the English Revolution. The machinery of it creaked in every joint. It was inconsistent to overthrow Stuart pretensions in England and maintain them in the colonies by refusing to extend the Bill of Rights and Habeas Corpus to Englishmen across the Atlantic. It was foolish, when insisting on the subjection of the executive to the legislature in England, to think that the colonists (who had taken their part too in the Revolution) would gracefully submit to an increasing domination by executive officials appointed by the crown. It was inconsistent to insist on the royal veto in the colonies just at the moment when it was dropped in England, and to demand a share in financial legislation for the king's appointed councils in

America while at home the Commons alone held the purse strings with a jealous tenacity. Finally, it was a mockery to leave the assemblies standing in the colonies and yet expect them to abandon their functions by accepting the king's instructions to royal governors as the law of the land. Benjamin Franklin reports that the president of the Privy Council told him baldly in 1757 that "the king is the legislative of the colonies."

We have long been accustomed to lay the blame for the American Revolution on the stubbornness and stupidity of George III and his Tory ministers during the fifteen years preceding the outbreak of the war—and they deserve their full share of blame. At the same time, however, we must remember the failure of the Whig lords during their long tenure of power in the eighteenth century (1714–1760) to extend the principles and privileges of the great English Revolution of 1689 to the colonies. The English Revolution was a turning-point in colonial history. It was the auspicious moment for the establishment of a federation between the colonies and the mother country, based on mutual confidence and the enjoyment of the same fundamental rights. The opportunity was lost, and, what is worse, from that time down to the American Revolution there seems to have been but a single important British official having to do with colonial affairs who realized that an opportunity had been lost and labored to redeem it—the incomparable William Pitt. That Pitt's suggestions for conciliation were scornfully rejected by the English government as "falling in with the ideas of America in almost every particular" is a sufficient commentary on the disastrous policy of alienation of the American colonies entered upon by the victorious Whig aristocracy two generations before the Stamp Act and the Boston Tea Party.

Nowhere were the defects of this policy more conspicuous than in the strained relations between the colonial assemblies and the royal governors. The governors were instructed to maintain the prerogative of the crown undiminished, as in the Stuart period; while the assemblies, seeing the king limited by his Parliament in England, thought it only a fair conclusion that the king's servants should be limited by his legislature in

the colonies. If Parliament was the guardian of the liberties of England, no less were the colonial assemblies the guardians of the liberties of America. The colonies, growing rapidly in numbers and wealth,[1] chafed under the galling yoke that was intended to keep them in "a limited economic freedom and a subordinate political status." They thought they should have done hearing the language of Andros, that they "were either subjects or rebels." They were English freemen, protected in their rights by royal charters and beholden only to themselves and to their fathers for their planting and growth in the New World.[2] Their spokesmen, then, in their elected assemblies held the royal governors in check at every point. In Massachusetts the assembly refused to vote the governor a permanent salary, but made him yearly or half-yearly grants. In New York governor and assembly clashed on the right of royal appointees to interfere with the levy of taxes and the session of the legislature. In New England and South Carolina they wrangled over coast defenses; in Pennsylvania, over the exemption of the proprietor's lands from taxation; in Maryland, over the collection of quitrents; in the Jerseys, over the authority of the royal judges; in almost every colony, over the issue of paper money and the enforcement of the Acts of Trade. It seemed not only to the vexed governors themselves but to disinterested observers as well that the colonies regarded themselves as little free states. "The New York assembly," wrote Peter Kalm, a visitor from Sweden, in 1750, "may be looked upon as a Parliament or a Diet in miniature." Four years later the Privy Council complained of the same body to King

[1] The 225,000 colonists of 1689 had grown to 1,500,000 by 1760. Their exports in the same period increased from £390,000 to £1,763,000. They imported in 1760 merchandise from England alone to the value of £2,000,000. Down to the Hanoverian succession (1714) British trade with the West Indies was more important than that with the mainland, but by 1760 the exports from England to North America were more than double those to the West Indies. Instructive tables are printed in Channing's "History of the United States," Vol. II, pp. 524–526.

[2] It was not till the surrender of the colony of Georgia to the crown in 1752 that Parliament made any grant of money for administration in America. Great Britain expected every colony to stand on its own feet.

George II, that they "had taken to themselves not only the management and disposal of the public money, but also wrested from your Majesty's governor the nomination of all officers of government, the custody and direction of all military stores, the mustering and regulating of the troops raised for your Majesty's service, and in short almost every other executive part of government." The "independency" which Massachusetts had shown under the Stuart kings was infectious. "The example and spirit of the Boston people," wrote Governor Cosby of New York, in 1734, "begins to spread among these colonies in a most prodigious manner."

The situation was the more trying for the governors because they could not rely for support on the home government. In fact, they hardly knew to whom to look for such support. In the Stuart period the royal governor was the king's servant alone, knowing where to carry his complaints and whence to take his orders. But after 1689 there was great confusion in colonial administration. Parliament, the Privy Council, and the Board of Trade all took a hand in it, each rebuking the other for trespassing on its field, but none assuming the continuous and enlightened responsibility necessary for the building of a stable colonial empire.

Moreover, the duty laid upon them to enforce the unpopular Navigation Acts still further embarrassed the colonial governors. The act of 1696 bound them by oath to secure obedience to the laws, under pain of a fine of £1000, but at the same time gave them no adequate weapons of enforcement. It would have taken a fleet of warships on the coast and a regiment of redcoats in every colony to enforce the acts. James Otis, at the close of the period, said that "if the King of England were encamped on Boston Common with 20,000 men, he could not execute these laws." The great merchants, like John Hancock and Peter Faneuil, throve on illicit trade. As early as 1721 a Boston trader named Amory wrote, "If you have a captain you can confide in, you will find it easy to import all kinds of goods from the Streights, France, and Spain, although prohibited."

It became more and more evident, as the population and wealth of the colonies increased, that the attempt to treat them solely as a nation of customers of Great Britain was a stupid piece of business. The mother country no longer furnished a sufficient market for their tobacco and other "enumerated commodities,"[1] while the liberty to carry the rest of their products where they would was small comfort when the return cargo had to be carried to an English port for inspection and perhaps taxation. Only one important addition was made to the Navigation Acts in the eighteenth century, to be sure, but that one was the most damaging of them all. It was the famous Sugar and Molasses Act of 1733, which, in order to protect the plantation-owners in the British West Indies, imposed the prohibitive duties of 9*d.* a gallon on rum, 6*d.* a gallon on molasses, and 5*s.* a hundredweight on sugar imported into the American colonies from the Spanish, French, and Dutch islands. As the British West Indies could not begin to furnish either the amount of molasses required for the distilleries of New England, or the market to take the flour, fish, lumber, and wheat exported from the mainland, the act of 1733, if enforced, would have utterly ruined the trade of New England and the middle colonies.

Thus political custom and commercial interests in the colonies both ran counter to the British policy of uniformity in control just when that policy seemed most necessary for the frustration of the French designs. "His Majesty has subjects enough in America," wrote the Board of Trade in 1696, "to drive out the French from Canada, but they are so crumbled into little governments and so disunited that they have hitherto

[1] Molasses and rice had been put on the list of enumerated goods in 1705, and later (1722) naval stores, copper, beaver, and furs were added. The production of tobacco had so increased by the year 1700 that about two thirds of the crop sent to England from Virginia and Maryland was reëxported to the continent of Europe, with a rebate to the colonists of 75 per cent of the duties. But even with this rebate, the rehandling of the cargo, the warehousing, and the double freight charges made it impossible for the cheaper grades of American tobacco (if sent lawfully via England) to compete with the European product. American tobacco was often burned at the English docks as a drug on the market.

afforded but little assistance to each other, and now seem in a much worse disposition to do it for the future." The governors took the *imperial* view of the case: all minor matters, like budgets, taxes, appeals, should yield to the supreme duty of guarding the British Empire in America against the encroachments of the French. But the assemblies insisted first and foremost on their privileges as English freemen. Where they were most uncompromisingly true to English tradition, there they seemed most disloyal to England's interests in America. "Such a wrong-headed people I thank God I have never had to deal with before," exclaimed Governor Dinwiddie to the Virginia Burgesses. He found them "obstinate, self-conceited, and in too much of a republican way of thinking." It was reported that the Pennsylvania assembly told their governor in plain terms that they "had rather the French should conquer them than give up their privileges."

The governors of New France were plagued by no such trials. Their colonists were few, but their authority was unquestioned. Canada since 1663 was a unified royal province, ruled by the king's governor from his rock-citadel at Quebec. Louis XIV did not parley with his subjects in America: he commanded them. Charles of England sent a civil commission to New York and New England in 1664 to investigate alleged breaches of his authority; but Louis of France at the same moment sent to Canada the crack Carignan-Sallieres regiment of a thousand men. The English governors had permanent provincial assemblies to deal with, but the French court would not even let the Estates of Canada gather in the cathedral at Quebec to grace the governor's inauguration (1672). This same governor, Frontenac, was warned by the great minister Colbert "never to give corporate form to the inhabitants of Canada." It was not alone two races, then, or two territorial rivals that clashed in the mighty conflict between France and England for the North American continent. It was two ideals of government: on the one side, a paternal absolutism supported by military force; on the other, a jealous tenacity of individual rights five centuries old.

So long as the Stuarts ruled in England, their governors in America, even though chafing (like Dongan and Andros) under the threats of the French and the Indians, were obliged to preserve an appearance of civility in dealing with the servants of the "good royal cousin" at Versailles, who furnished money to Charles and James to enable them to dispense with an inquisitive Parliament. The accession of William of Orange cleared the air. France and England became open foes and grappled in the first battles of a struggle of a century and a quarter, which was to determine the mastery of the seas, the primacy of commercial power, and the scepter of empire.[1] The fight for colonial supremacy in America was but one act in the drama. The names of Louisburg, Ticonderoga, Pittsburgh, and Quebec stand engraved on the same tablets with La Hogue, Blenheim, Dettingen, and Plassey, to commemorate the triumph of British Imperialism.

Until the middle of the eighteenth century the war in America was sporadic and unorganized. Indian raids on the border settlements of New England and New York, accompanied by the horrors of massacre at Schenectady (1690), Deerfield (1704), and Haverhill (1708), filled the colonies with dismay, but failed to unite them in defense. They were, says Governor Fletcher of New York (1693), "as much divided as Christian and Turk." Ambitious counterexpeditions of the English against Quebec were wrecked on the divided counsels of the colonies (1690) or on the rocks of the St. Lawrence (1711). The merchants and planters of the Atlantic coast, far from the scenes of frontier massacres and absorbed in their trade with Europe and the Indies, were indifferent to their governors' pleas for defense. They even spoke of the regiments which England sent over to protect them as "alien garrisons." Although the English outnumbered the French in America

[1] In the one hundred and twenty-six years from the accession of William of Orange to the overthrow of Napoleon (1815) England and France fought seven wars, filling fifty-seven years, during which France lost her colonial empire and her dictatorial position in European cabinets. England emerged the strongest of the Old World nations.

sixteen to one (1,300,000 to 80,000) they had not, after two generations of covert or open hostility, gained a single point of vantage. Intercolonial conferences were called, but not attended. Plans of union were proposed, but not accepted. It would be impossible to imagine a more dilapidated state of public opinion than that in which the English colonies faced what proved to be their final struggle with France.

It was a moment fraught with tremendous consequences for the future of America when a young major of militia from Virginia, just come of age, tall and straight, with a commanding steel-blue eye and a countenance open as the dawn, was ushered into the presence of the officers of the French Fort Le Bœuf in the northwestern corner of Pennsylvania. The envoy was George Washington, and the message that he brought from Governor Dinwiddie of Virginia was a warning to the French to keep off the land "so notoriously known to be the property of the crown of Great Britain." Washington was courteously received and informed that his message would be transmitted to the governor of Quebec. Then he set out on his perilous journey through the wilderness back to the frontier settlements, doubtless turning over in his mind the boastful oath which he had heard the French officers at Venango swear in their cups, that their design was to take possession of the Ohio, and "by God! we will do it."

The possession of the Ohio was the bone of contention. At almost the same moment French and English expeditions moved down its rich valley—the French under Céleron de Bienville[1] (1749) nailing signs to the trees and sinking leaden plates under the river banks to claim the land for Louis XV, and Christopher Gist (1750) prospecting for the new Ohio Company (formed by Virginia and English capitalists) and determined "to go quite down to the Mississippi rather than take mean and broken land." The Indians along the river banks listened in turn to the blandishments of the French and the threats of the English, drank their brandy and rum and accepted their gifts of wampum with impartial stolidity, little

[1] Some scholars spell this name Blainville.

dreaming that they were the dusky chorus in the opening of a tragedy of war that was to be played on the stage of three continents.

The first two years of the war brought only disaster to English arms. It seemed as though the punishment of half a century of incompetence and wrangling, of divided councils and dissipated resources, were being visited on the colonies. Expeditions planned in boastful leisure were abandoned in panic. Neglected garrisons were exposed to massacre at the hands of the uncontrollable savage allies of the French. Rivalries and insubordination were rife. Governors and assemblies, king's troops and provincial levies, were all trying to shift to the other's shoulders the blame for the disasters. A royal order of May, 1756, reduced all the higher colonial officers to the rank of captain when they were serving in the same army with officers of the king's commission, and the American soldiers, though they often saved the day by their rude efficiency, had to hear themselves called "greenhorns," "ragamuffins," and "rabble" by the trained but incompetent commanders who were sent over to lead them. Braddock's defeat (1755) exposed the frontiers of Pennsylvania, Maryland, and Virginia to the fury of the Indians along a line of three hundred and fifty miles, which the heroic Washington, with only 1500 ill-equipped and ill-assorted troops, labored in anguish of soul to defend.[1]

[1] We hear already from the young colonel of twenty-five the language of bitter disillusionment which was to be so often in his mouth during the dark days of the American Revolution and the trying days of his presidency. He laments the hour that gave him a commission, and would "at any other time than this of imminent danger resign without one hesitating moment a command" from which he never expects "to reap honor or benefit while the murder of helpless families may be laid to [his] account." How serious the situation was, with the frontier from the Hudson to the James guarded by only thirty-five blockhouses, can be judged from a letter of a French captain written home in July, 1756: "We are making here a place that history will not forget. The English colonies have ten times more people than ours, but these wretches have not the least knowledge of war. . . . Not a week passes but the French send them a band of 'hair-dressers' whom they would be very glad to dispense with. It is incredible what a quantity of scalps they bring us. In Virginia they have committed unheard-of cruelties, carried off families, burned a great many

Every effort for union among the colonies since the beginning of the French wars (1690) had come to naught through mutual mistrust. The last such attempt was the Albany Congress of June, 1754, where. in the very days when Washington was fighting for the control of the Ohio, the assembled delegates from the New England colonies, Pennsylvania, Maryland, and New York, including some of the most distinguished persons in America, had to listen to very plain and unpalatable truths from the old Mohawk chief Hendrick: "Look about your country and see; you have no fortifications, no, not even in this town. It is but a step from Canada hither, and the French may come and turn you out of doors. You desire us to speak from the bottom of our hearts and we will do it. Look at the French: they are men. They are fortifying everywhere. But you are like women, bare and open, without fortification." After two years of uninterrupted disaster the elegant Lord Chesterfield confirmed the words of the old Indian chieftain: "We are undone both at home and abroad—at home by our increasing debt and expenses, abroad by our ill-luck and incapacity. We are no longer a nation!"

Then fortune changed overnight. A man came to the helm of the British government for the first time within the memory of a generation—a man incorruptible among a gang of thieves, far-visioned amid a crowd of opportunists, energetic, confident, generous, resourceful in a public service on which the blight of fear and irresolution had settled. William Pitt appealed from the narrow Whig aristocracy, which had controlled Parliament and king for nearly half a century, to the British nation at large. He called Scotchmen and Americans to the privilege of partnership in the empire and accorded them the confidence of partners. He turned the war in both hemispheres from a feeble and timorous defensive into a bold and planful attack all along the line. Defying the claims of birth and the clamor of placemen, he chose his generals and admirals for valor and counsel alone.

houses, and killed an infinity of people. These miserable English are in the extremity of distress, and repent too late of the unjust war they began against us." (Quoted in Parkman's "Montcalm and Wolfe," Vol. I, p. 392.)

A new tone pervaded the dispatches to America. The governors of the crown were asked to win their assemblies and not to bully them. The odious order of May, 1756, was revoked and colonial officers took rank with the king's own. On the morning that the new order was read to the General Court at Boston the colony of Massachusetts voted the entire number of men that had been asked for from all New England. The American colonies as a whole increased their contingents fivefold. Massachusetts voted £172,000 for the war in the first two months of 1758, although her farming and fishing population was already burdened with heavy taxes. New Hampshire sent one out of three of her able-bodied men to the field of battle. Under able and intrepid commanders like Amherst, Wolfe, Howe, and Forbes, the British attack was delivered all along the line from the grim fortress of Louisburg, which guarded the entrance of the St. Lawrence, to Fort Duquesne, at the forks of the Ohio.

Louisburg surrendered to Amherst in July, 1758. In November General Forbes drove the French from Fort Duquesne and rebuilt the shattered walls under the name of Fort Pitt. The next May, Bourlamaque withdrew from Crown Point and Ticonderoga, opening to the English the lake whose sapphire surface stretched like a broad pavement down to the St. Lawrence valley and the outposts of Montreal. The surrender of Niagara to Amherst, in July, cut off the interior lake posts of the French (Detroit, Mackinac, St. Joseph, Sault Ste. Marie) and compelled them to abandon the forts of the upper Ohio valley (Presqu'île, Venango, Le Bœuf), flanked as they were by the English at Niagara and Fort Pitt. The crowning exploit of the war came in September, 1759, when Wolfe, after lying nearly three months with his fleet in the St. Lawrence before the impregnable rock of Quebec, conceived and executed the daring plan which set out his army in the early morning mists in battle array on the Plains of Abraham and opened the gates of the city to the brave soldiers whose shouts of triumph fell on his dying ear. The capture of Quebec was the brightest jewel in the crown of the wonderful year of 1759, the "year of victory," when French arms were defeated at Minden beyond

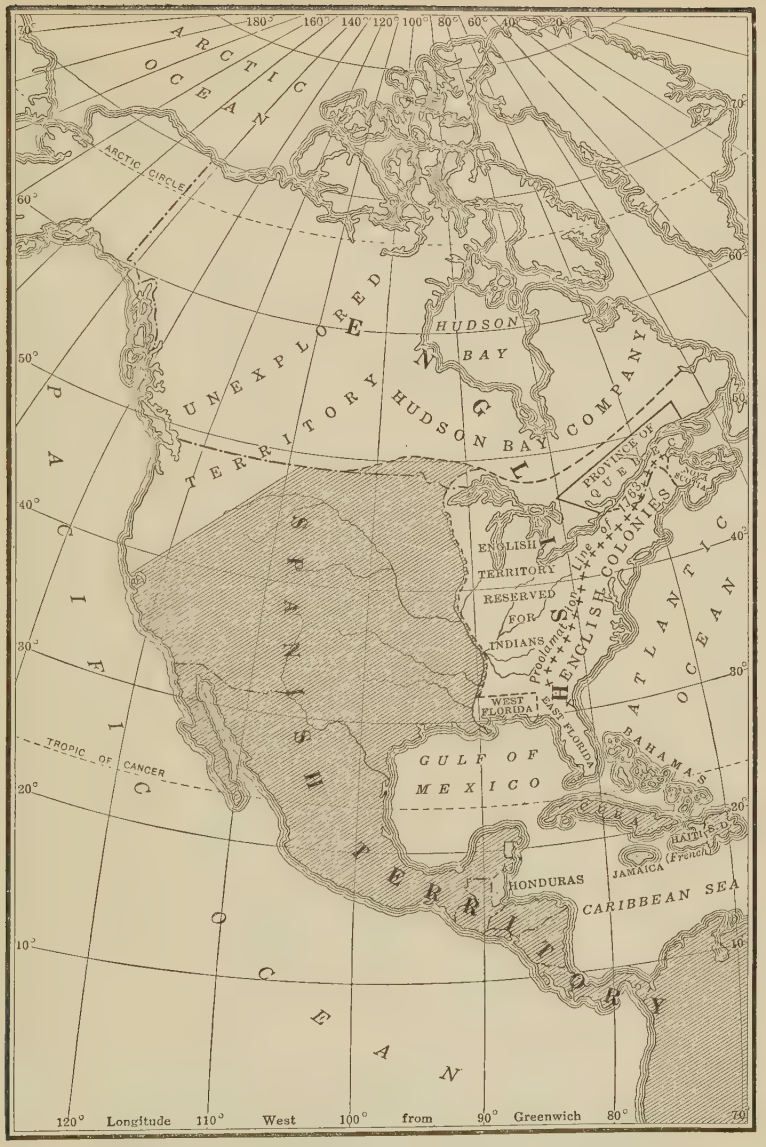
the Rhine and French fleets destroyed at Quiberon on the coast of Brittany and driven from Pondicherry on the coast of India. That year was the imperishable tribute to the genius of William Pitt. England's sorrow was changed to joy. "The bells of London ring out for a new victory every morning," cried Horace Walpole. The gloomy prediction of Chesterfield, made two years earlier, was fulfilled, but little as he had dreamed. England was, indeed, "no longer a nation"—she was a world empire.

On September 8, 1760, after the fall of Montreal, the governor of New France, the Marquis de Vaudreuil, signed the capitulation by which Canada with all its dependencies was transferred to the British crown. On October 24, 1760, George III came to the English throne. The new king wished to rule as well as to reign. He was a politician enamored of his own political sagacity. He was a high Tory and surrounded himself with Tory henchmen. They plotted against the great minister, and in October, 1761, William Pitt resigned the seals. It was of momentous consequence to the American colonies that the great statesman who is ranked with Washington as a builder of our nation fell from power at just the moment when the French were driven from this continent. For Pitt looked on the colonies as more than an auxiliary of England for the humiliation of France. He wished to see them bound in a close federation with each other and with the motherland, proud of their place in the empire, their local loyalties not lost but fortified in their larger loyalty to Britain. Conciliation, not coercion, was his watchword. He was, in the phrase of Hubert Hall, "the first high almoner of statecraft to cast his bread on distant waters." And had he maintained his tenure of power unbroken for a score of years, as Walpole had before him, he might have made the bonds between the men of English race on both sides of the Atlantic strong and elastic enough to meet generations of economic growth or political tension.

However, it is probable that even William Pitt, with all his tact and conciliatoriness, could not have prevented the eventual separation of the American colonies from England. For the colonies during the eighteenth century were diverging more and

more from the motherland. Though their population was still chiefly of English stock, nevertheless, by incorporating the Dutch of the Netherlands and absorbing large numbers of French, German, and Scotch-Irish, they had introduced elements of population indifferent if not hostile to English institutions. The presence of several hundred thousand negro slaves still further complicated the social question. In political development too the colonies had tended to grow away from the mother country. The concentration of power in the hands of Parliament, conducted by a ministry or cabinet, was opposed to the colonial emphasis on local authorities in assembly, vestry, or town meeting; while the executive power in almost all of the colonies was the rival and not the agent of the legislative. Finally, as we have already seen, the commercial policy of the Navigation Acts ran counter to the interests of America's developing trade and took on increasingly the aspect of exploitation. If these social, political, and economic differences were to be harmonized at all, it would have to be through the exercise of an enlightened, generous, and conciliatory spirit.

The brief period of William Pitt's ministry looked like the dawn of such a promise. The colonies seemed fused by the fires of a victorious patriotism into an imperial unity. The triumphs of Amherst and Wolfe were hailed with grateful joy from New Hampshire to Georgia. The governor of Massachusetts proclaimed a day of thanksgiving, and the preachers vied with each other in sermons of extravagant congratulation over the downfall of New France, "the North American Babylon," "the seat of Satan and Indian idolatry." But in the midst of rejoicing there were ominous signs and warnings. Report came to America of the fall of the great minister and the abandonment of his policy. The new young king was in the hands of the Tories, insistent on his prerogative, determined to have obedience to the letter of his royal orders. Murmurs against "arbitrary acts" of Parliament were rising in Boston and Williamsburg in the very days in which the terms of the treaty with France were being promulgated, and wise observers were suggesting that it might be better for England to keep the rich



North America at the Close of the French Wars

sugar island of Guadeloupe and let the French stay in Canada as a wholesome check on the "republican" tendencies of the colonies. "They will not fail to shake off their dependence," said the French minister Choiseul, "the moment Canada is ceded." Canada was ceded, however, by the Treaty of Paris (1763), and the English flag waved over the North American continent from Hudson's Straits to the Gulf of Mexico. The stage was cleared for the opening act of our national drama. "With the triumph of Wolfe on the Heights of Abraham," says John Richard Green, "began the history of the United States."

In the prelude of a Wagnerian opera we hear anticipating strains and fragments of the various themes which are worked out in detail in the course of the tragic drama. Perhaps it is not too fanciful to see in the colonial period of our history a sort of prelude of the drama of our national life. Liberty, Democracy, and Union are the ideals for which successive generations have wrought and fought in our land—the generations of Washington, of Jackson, and of Lincoln. Already these ideals appear as "motifs" in our colonial history. The settlers of the seventeenth century, breaking away from Old World traditions, brought with them the habit of freedom. In the increasing claims of the colonial representative assemblies and in their resistance to political and commercial control by the officers of the crown we see the foreshadowing of American democracy. And finally, the repeated attempts of the eighteenth century to secure union in the face of the foe on our borders suggest the labors of Hamilton and Madison, of Webster and Lincoln, to make a *United* States the common home of our liberty and our democracy.

CHAPTER II

THE AMERICAN REVOLUTION

The decree has gone forth . . . that a more equal liberty than has prevailed in other parts of the world must be established in America.—JOHN ADAMS

British Provocation

Two facts of supreme importance summarize the colonial period of our history: England established an empire in America, and England lost an empire in America. The first of these facts we have just described in the preceding chapter. We turn now to the second fact, the separation of the American colonies from England—an event which Whitelaw Reid, former ambassador to the court of St. James, spoke of, with pardonable exaggeration, as the "greatest event in modern history."

All crises in history are the adjustment, often with the explosive violence of revolution, of forces that have been long in preparation. The event is understood only in the causes of the event. When a revolution becomes inevitable it means simply that certain political, economic, or religious ideas have developed to a point where, in order to find their expression, they must burst asunder a political, economic, or religious order which refuses to adapt itself to their accommodation. The outbreak of revolution is not the beginning but the culmination of the process. So it was with the American Revolution. For a full century before the colonies threw off their allegiance to England independence was preparing. "The bottom of all the disorders," wrote Governor Hutchinson of Massachusetts, "is the opinion that every colony has a legislature in itself, the acts and doings of which are not to be controlled by Parliament." We have seen the colonies petitioning, protesting, evading, threatening, apologizing, until it seemed as if their connection with the mother country must

be worn down to the slender thread of a sentimental attachment. Before the middle of the eighteenth century they appeared to an enlightened traveler from Sweden as "likely in thirty or fifty years to form a state by themselves."[1] They called themselves "jurisdictions," and in the midst of protestations of loyalty virtually defied the sovereignty of England. Had the officials of Charles II shown half the zeal in enforcing his orders and punishing the recalcitrant "patriots" of Massachusetts that George III showed in supporting the measures of Grenville and Townshend, the issue of American independence might have been settled an even century before the battle of Lexington.

The triumph of Wolfe at Quebec brought a great change in the relations between England and the colonies. For England it meant the sudden acquisition of an enormous empire, with the national debt doubled and the burdens for the defense of dominions "on which the sun never set" multiplied many fold. For America it meant the removal of the French danger on the north and of the Spanish danger on the south. There was no longer place for the fear so naïvely expressed by a farmer of customs under Charles II (1664), that if the colonies did not maintain the honor and reputation of his Majesty who protected their trade and navigation, they "would be subject to be devoured by strangers." Long before the expulsion of the French from America astute political philosophers like Montesquieu, d'Argenson, and Turgot had remarked on the likelihood that the colonies would eventually separate from England as the ripe fruit falls from the tree. But it was the conquest of Canada that removed, with "the turbulent Gallicks," the only check on the prophetic destiny of America. On hearing of the Peace of Paris, Vergennes, the French ambassador at Constantinople, remarked that England would repent of having put an end to French rule in Canada. "The colonies," he said, "stand no longer in need of England's protection. She will call on them to help contribute toward

[1] Peter Kalm, "Travels in North America," Vol. I, p. 265.

supporting the burden they have helped to bring on her, and they will answer by striking off all dependence."

The cession of Canada, however, was not the cause of America's rising. That cause was rather a change of behavior on the part of England toward the colonies, which coincided with and was partly occasioned by the cession of Canada. George Grenville became prime minister two months after the Treaty of Paris was signed (April, 1763). He it was who was chiefly responsible for the introduction of a new policy in Parliament; namely, taxing the American colonies for the sake of raising a revenue. Grenville did not invent the idea. Many times during the eighteenth century English officials at home and in America had suggested such a measure, but neither Walpole nor Pitt had been willing to sanction it.[1] That Grenville did so was due partly to a change in the English government with the accession of George III and partly to a change in the condition of the British Empire after the Peace of Paris.

George III was a pedant. He was neither dull-witted nor cruel-hearted, but opinionated and obstinate. He was often called a tyrant by Patrick Henry and other ardent American patriots, but he was rather a theorist than a tyrant. He had "ideas" on kingship—and they were a hundred years behind the times. He was an indefatigable politician, but the results of his policy were always compromised by his serene confidence in his own sagacity. He had no genius for conciliation, resisting concession until it was too late to make it appear as a gracious favor. His education was of the meanest sort, acquired in the early surroundings of waiting-women's flattery and indulgent chaperonage. Vaulting ambition dwelt in his small mind. He would rule his realm as kings of old had ruled. He demanded ministers loyal to the kingly prerogative above all else: Butes and Grenvilles, Graftons and Norths—

[1] A customs officer at Boston proposed an elaborate plan of colonial taxation in 1722, with stamp duties, land tax, excise on liquors, import duties, etc. When Walpole was urged to adopt such a policy he replied that he had half of old England against him and that he didn't care to add the enmity of the new England.

obsequious, sententious, and vain. The large wisdom of Pitt, Burke, or Fox appeared to him as only factious opposition encouraging rebels in their folly. Descending to the commonest levels of political jobbery, he distributed what he jocosely called in a letter to Lord North his "gold pills" to secure seats in Parliament for men who would blindly follow the royal program and hoot or hiss down the repeated remonstrances of real statesmen. "He spent a long life," says the English historian Lecky, "in obstinately resisting measures which are now almost universally admitted to be good, and in supporting measures which are now as universally admitted to have been bad." Thomas Jefferson was not wrong when he attributed the accumulated grievances which led the American colonies to declare their independence not to the ministers, the Parliament, or the people of England, but to King George III.

Such a man it was England's ill fortune to have at the head of the state at one of the most critical moments of her history. William Pitt had created an empire in two hemispheres. George III obliged him to turn it over to himself. Infinite tact was needed to integrate the parts of this empire, to reconcile habits of self-government in America with imperial allegiance, to distribute equally the burden of debt and defense, to adopt commercial codes for the benefit of a trade spread over three oceans. But George III and his obsequious ministers proceeded to handle the empire as if it were a medieval fief or a royal demesne.

The plan of management for the American part of the empire was announced by Grenville in various meetings of Parliament in the autumn of 1763 and the spring of 1764. It was entirely after the heart of the king, who in proroguing Parliament on April 19, 1764, spoke enthusiastically of "the wise regulations" which had been established "to augment the public revenues, to unite the interests of the most distant possessions of the crown, and to encourage their commerce with Great Britain." That is just what the measures of Grenville were meant to do. How well they succeeded, the events of another nineteenth of April, eleven years later, tell. It was a

threefold scheme that Grenville proposed: (1) to establish a permanent military force in America; (2) to stiffen and enforce the Acts of Trade; (3) to raise a revenue in America by parliamentary taxation. "These three measures," says Lecky, "produced the American Revolution." They were regarded by the colonists as the beginning of their woes, for in all future protestations their cry for relief was for a return to the state of affairs existing before the Grenville legislation. Edmund Burke said that prior to 1764 the attitude of the colonies was "one of acquiescence." [1]

Grenville's measures were inspired by the condition of the empire immediately following the triumph over the French. An immense territory had been added to the British crown and a double burden of debt to the British exchequer.[2] Quebec on the north, and East and West Florida on the south (see map, p. 53), were organized into royal provinces, but under absolute governors, as the provinces had too few English inhabitants to furnish assemblies. The great tract between the Alleghenies and the Mississippi was to be kept for a while under control of the crown as unorganized territory. The Indians in it had been transferred by the Treaty of Paris from French to English allegiance, but that did not hinder the French from fomenting attacks by the Indians on their new masters. In the midsummer of 1763 the formidable Ottawa chieftain Pontiac roused the redskins to the last desperate effort to recover the lands of their fathers from the European intruders. He captured every fort between the Ohio and Lake Erie and laid siege

[1] It is useless to seek the origin of the American Revolution in any single event. James Otis in his speech at Boston on the Writs of Assistance, in 1761, had declared that any act that violated the essential rights of British subjects was void; and Patrick Henry in his famous plea in the Parsons' Cause at Williamsburg, in 1763, asserted that the king might forfeit his subjects' obedience by breaking his part of the contract to defend their liberties. Henry even spoke the word "tyrant" and heard murmurs of "treason!" But these were local quarrels, whereas Grenville's measures were the announcement of a general colonial policy—the first since the Stuart period.

[2] The British debt between the Treaties of Aix-la-Chapelle (1748) and Paris (1763) increased from £72,000,000 to £139,000,000. In the same period the expense of the American establishment grew from £70,000 to £350,000.

to Pittsburgh and Detroit. In order to have a free hand to deal with the Indians and to prevent the colonies from a rapid growth beyond his control by westward expansion, King George, in October, 1763, issued a proclamation running a line along the crest of the Alleghenies and ordered all colonists who had "either willfully or inadvertently seated themselves" on land west of this line "forthwith to remove themselves from such settlements."

While the king was thus hemming in the colonists between the Alleghenies and the Atlantic he thought it advisable to place a garrison of 10,000 troops in America. The British commanders had complained bitterly of the quality of the American soldiers in the French war. Even General Wolfe, on hearing of Abercrombie's defeat at Ticonderoga, called the Americans "the dirtiest and most contemptible cowardly dogs that you can conceive." Some colonies, like Connecticut and Massachusetts, had given liberally and felt that they had done more than their share in defense.[1] Others had refused to contribute, because their borders were not threatened, or because they were too busy baiting their governors to think of the common danger to the empire. England had been in the habit of making money grants to the colonies to recompense them for military expenditures. In the years from 1759 to 1761 she had reimbursed the colonies to the extent of £200,000. Would it not be better to replace this haphazard system of requisitions and compensation by a regular army supported by funds to which the colonies should contribute a certain quota by a uniform system of taxation? Ireland, poor and burdened as she was, supported an army of 12,000 for imperial defense. Nothing was said in the Grenville acts of the deterrent effects of a regular military establishment in America on

[1] For example, the war expenses of Massachusetts were £818,000, of which £160,000 remained in 1763 to be paid by provincial taxation. John Hancock, a merchant of Boston, declared that he was taxed more heavily than any man in England. Virginia had incurred in the war a debt of £385,000; Pennsylvania, of £313,000; New York, of £291,000: Connecticut, of £259,000—all sums far in excess of what was remitted by the British Parliament.

the growth of the sentiment of "independency," but without doubt that aspect of the plan was not entirely overlooked by the ministry. Any scheme to increase the number of royal officials in America would help to tighten the imperial bond.

But the chief of all agencies for tightening this bond would be the vigorous enforcement of the Acts of Trade, which had fallen into sad neglect. Two parts of the Old Colonial System were fairly well observed, because they brought little inconvenience to the American merchant.[1] But the act of 1663, requiring European goods to be brought to the colonies only via England, was constantly violated. One writer estimates that goods to the value of £750,000 were smuggled into the colonies directly from European ports in the year 1765. Moreover, the notorious Sugar and Molasses Act of 1733, designed to ruin the trade of the colonies with the French and Dutch West Indies, was a dead letter. Tens of thousands of hogsheads of molasses were imported into Massachusetts and Rhode Island annually, and only the most trifling duties were collected.[2] Of course, during the war with France such traffic was not only illicit but treasonable. Admiral Hawkes testified to the Board of Trade in 1750 that he "certainly would have taken Martinique if it had not been for the provisions with which North American vessels, to the knowledge of every captain of his squadron, supplied the French island." In the next war (1755-1763) Admirals Hawkes and Boscawen found that the illicit trade with the American mainland was all that kept the French Indies from "utter collapse." William Pitt, indignant that any part of the empire should view the French as other than enemies, peremptorily ordered that the law of 1733 be enforced, even if the navy had to be employed.

[1] Namely, the acts of 1651 and 1660, providing that the trade must be carried on in ships built, owned, and manned by British subjects and that the "enumerated" goods be sent only to English ports.

[2] The reports of the London customhouse show an average return of less than £1000 a year for duties on molasses under the act of 1733, whereas Rhode Island alone, had she paid the duty of 6*d*. a gallon prescribed by the act, would have contributed £28,000 to the royal treasury.

The case seemed clear to the ministry, and they proceeded with confidence to formulate a plan for raising a revenue in America. In April, 1764, the Sugar Act was passed. A duty of 3*d.* a gallon was kept on molasses—enough to ruin New England trade and force colonial capital into manufactures, which had been forbidden by the English statutes of the eighteenth century. Duties were also laid on wines, silks, cambrics, and other articles. The drawbacks which had been paid on European goods reëxported from England to the colonies were canceled. New duties were made collectible in America. This last provision necessitated a corps of revenue officers in the colonial ports, the multiplication of admiralty courts, and the enlargement of naval operations on the American coast. Certificates were required from ship captains, describing accurately the contents and destination of cargoes. Penalties for the infringement of the law were severe. It was evident that England had entered on a new policy of colonial control. Samuel Adams in a Boston town meeting (May, 1764) instructed the delegates to the Massachusetts General Court to rebuke that assembly for not taking notice of "the intention of the British ministry to burden us with new taxes." Two months later James Otis, in his "Rights of the British Colonies Asserted and Proved," invoked "the *united* application of all who feel aggrieved" to seek redress. That sentiment of common interest among the colonies which the French war had not been able to stir was roused by the Grenville policy.

It was estimated that the new taxes of 1764, with the saving of the drawbacks, would net about £45,000 a year to the British exchequer. But the cost of the military and fiscal machinery in America would amount to some £360,000, of which the colonies were to be asked to pay about a third. Grenville decided that the most effective method for raising the major part of the colonial revenue was the imposition of a stamp tax, which had been recommended several times during the eighteenth century. Still, he was willing to try any other method which the colonies had to suggest. He therefore only announced his *intention* of imposing a stamp tax and waited a full year

for the proposition of a substitute tax by the colonies. Protests from colonial agents against any kind of tax at all were ruled out of order—the British Parliament was not in the habit of receiving petitions against revenue bills. In February, 1765, a listless and half-empty House of Commons, by a vote of 205 to 49, and a still more listless and empty House of Lords, without division or debate, passed the Stamp Act, which, says Lecky, "if judged from its consequences must be deemed one of the most momentous legislative acts in the history of mankind."

To the astonishment of king and ministry the passage of the Stamp Act aroused a storm of opposition in America. Its enforcement would have meant the thrusting of the hand of the taxgatherer into all the transactions of colonial business; for by the terms of its sixty printed pages all pamphlets and newspapers, all legal and commercial paper,—bills, bonds, leases, licenses, deeds, policies, diplomas,—must bear the stamp which certified that duties had been paid thereon. Ever since 1673 England had collected slight duties in America; but these had been solely for the execution of the imperial commercial system,[1] a right which the colonies never denied in principle, although they often chafed under its application. Even the duties of the Sugar Act of 1764, though manifestly levied for the purpose of revenue, could still be classed under the title "regulation of trade." At any rate, the duties would be collected only in the ports of entry and would directly affect only the mercantile class, which had long been accustomed to its tiffs with collectors, naval officers, and admiralty judges. But the new stamps would be distributed all over the land. They would be in every court, shop, and printing-house. They would pass from hand to hand as a constant reminder of a tax imposed by a legislature three thousand miles distant in which no American sat.

[1] Small duties had been collected in American ports on tobacco, sugar, cotton, and ginger exported from one colony to another, in order to prevent these "enumerated" goods from evading the law of 1660 by reaching European ports through a double shipment.

Long before the day arrived for the distribution of the stamps (November 1, 1765) the colonies were seething with protest. Patrick Henry's resolutions in the Virginia assembly, on May 29, sounded "the alarm-bell to the disaffected." "The inhabitants of this colony," he said, "are not bound to yield obedience to any law or ordinance imposing taxation upon them without their consent," for such actions "have a manifest tendency to destroy British as well as American freedom." In June, James Otis of Massachusetts proposed a meeting of committees from the colonial assemblies to deal with "the threatened invasion of the rights of men of English tradition." In August, mobs in Boston hanged Lord Bute and Oliver (the stamp distributor) in effigy and sacked the elegant mansion of Chief Justice Hutchinson. In October, twenty-seven delegates from nine of the colonies met in the Stamp Act Congress at New York and joined in the first common protest of Americans to the British king and Parliament, claiming all the "inherent rights and liberties of the king's natural-born subjects." When the first of November arrived not an agent was found in America to distribute the stamps. They had all resigned.

Even King George now realized that mischief was afoot. "I am more and more grieved," he wrote to Conway, "at the action of the Americans. Where this spirit will end is not to be said. It is undoubtedly the most serious matter that ever came before Parliament. When Parliament met, on December 17, 1765, the enforcement of the Stamp Act became the absorbing subject. Burke declared that "the great contests for freedom in this country were from the earliest time chiefly on the question of taxation," and hailed the Americans as the descendants of the men who had withstood the illegal impositions of Norman, Plantagenet, and Stuart kings. Pitt, asserting that the subject was the greatest that had ever engaged the attention of Parliament, except for the revolution of 1688, vindicated the resistance of America. "Taxation," he cried, "is no part of the governing or legislative power. The taxes are a voluntary gift and grant of the Commons alone. . . . The Commons of America, represented in their several assemblies,

have ever had in their possession this constitutional right of granting their own money. . . . I rejoice that America has resisted. Three millions of people so dead to all the feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to make slaves of all the rest." The merchants of England petitioned Parliament for the repeal of the act. Benjamin Franklin, summoned to the bar of the House of Commons, declared that there was not gold or silver enough in the colonies to pay the tax for a single year. The Rockingham cabinet, which had succeeded Grenville's, was opposed to the coercion of the colonies, and in March, 1766, the Stamp Act was repealed amid rejoicings which Burke declared unprecedented in the British Empire. The colonists voted statues to Pitt and King George. But no offer was made to raise the imperial funds; and Parliament coupled with the repeal a Declaratory Act, asserting their "full power and authority to make laws to bind the colonies and people of America . . . in all cases whatsoever."

The controversy over the Grenville legislation of 1764-1765 illustrates every principle of the quarrel between Great Britain and the colonies. It revealed suddenly and sharply the divergent economic interests and political ideals which had been developing for a century and a half on both sides of the Atlantic. The colony of Rhode Island remonstrated with the Board of Trade against the act of 1764, declaring that the annual excess of their imports over their exports in trade with the mother country was £115,000, which balance they could pay only through their molasses trade with the (French) West Indies. But the English treasury officials called this trade "stolen from the commerce of Great Britain, contrary to the fundamental principle of colonisation, to every maxim of policy, and to the express provisions of the law." The colonists denied the right of Parliament to tax them or even to legislate for them, since Parliament could not extend its power beyond its constituents, the people of Great Britain. For England to concede, however, that the colonial assemblies took the place of Parliament would be practically to concede America's

independence. The king could not be the bond of union, as the colonists asserted that he was, because the king was not sovereign in England. Parliament was sovereign there, and, according to the British view, the colonists as corporations were subject to the sovereign power of Parliament, while the individual inhabitants of the colonies enjoyed all the personal rights of English freemen. These were radically conflicting ideas, and it did not serve to clarify the situation when John Adams and James Otis appealed from the power of Parliament to a British "constitution" with which a law of Parliament might be in conflict. The English government knew no such constitution. It was the "higher law," or the inherent "rights of man," that the colonists were setting up.[1] To follow that law against the positive law of the realm could have only one result—revolution.

To the supporters of the ministry the arguments of the colonists seemed only sophistry to justify their disobedience. Their protestations of loyalty to the crown seemed only hypocrisy when coupled with defiance of the Parliament to which the crown itself was subordinate. "You say you are British subjects," cried Hutchinson, "and yet you suppose that you are constitutionally exempt from one of the obligations which British subjects are under. But if you are exempt from one, you are exempt from all, and so are not British subjects at all." As to the colonists' argument that they were not represented in Parliament, who gave them the right to dictate their own provincial theories of representation to the sovereign body? All the non-noble subjects of the British crown were represented in the House of Commons, wherever they lived. If Philadelphia and New York had no delegates at Westminster, neither had Manchester and Sheffield!

[1] The Pennsylvania assembly was the first to voice the doctrine of "natural rights," which became the main argument of Thomas Jefferson and other radicals as the Revolution approached. The assembly declared that the government of Pennsylvania was "founded on the natural rights of man and is or ought to be perfectly free." It would be hard to find any justification for this language in the charter of Pennsylvania, which, curiously enough, was the only Stuart charter that expressly reserved to Parliament the right to tax the colony.

The case seemed perfectly clear to George III's ministers. They had imposed a reasonable tax on America, in a considerate manner, through the sovereign body of the empire. The case seemed equally clear to the American "patriots." They had levied their own taxes in their assemblies since the earliest days. They looked on this privilege as the chief guarantee of their liberty. They had no members sitting in the British Parliament, and hence no way of redress in case of unfair or oppressive legislation. Here the matter rested, with the repeal of the Stamp Act in 1766; and here it might have rested indefinitely if the British ministry had stood by the repeal. The question was not settled: it was deadlocked.

The agitation stirred in 1765 and the relief manifested in 1766 would have convinced a wiser ministry and king that the revenues anticipated from America by taxation were of trifling value compared with the harmony of the empire. The British ministry, however, was not willing to let the matter rest. The alternate advance and retreat in the decade following the Grenville legislation, the "blundering into a policy one day and blundering out of it the next," as Burke called it in his famous "Speech on Conciliation" in 1774, represented the dogged vacillation of the Tory ministers of George III. The repeal of the Stamp Act marked the abandonment of the attempt to raise a revenue in America by "internal taxation," leaving the colonies apparently the victors—"a fatal compliance," as George III said a few years later. When Charles Townshend returned to the charge in 1767, it was on the ground of "external taxation," or imperial trade regulation, a right grudgingly conceded by the colonies at the beginning of their fight on the stamp duties. But that fight had raised in them a spirit of protest against any kind of taxation by the British Parliament. Townshend's duties on painters' colors, paper, glass, and tea were resented only less defiantly than Grenville's stamps.[1]

[1] The Townshend Acts were especially odious in that they authorized Writs of Assistance to search men's private premises for smuggled goods and greatly enlarged the personnel of the customs department in America. These measures were only the belated execution of the Navigation Acts of 1672 and 1696, but

Nonimportation agreements, evasions, smuggling, and intimidation followed on protests in the colonies. Samuel Adams of Massachusetts drew up a letter, in February, 1768, to be communicated to the colonial assemblies, in which he advanced the astonishing theory that "His Majesty's royal predecessors were graciously pleased to form a subordinate legislature here, that their subjects might enjoy the inalienable right of representation." Imagine such a thought's having crossed the mind of Charles I when he granted the Massachusetts charter of 1629—just at the moment when he dismissed his Parliament in England and started on his eleven years of "personal rule"! When the Massachusetts assembly refused by a vote of 92 to 17 to withdraw the letter, two British regiments were sent to Boston to awe the inhabitants into obedience. Roughs baited the redcoats in the streets, pelting them with brickbats and calling them "lobsters" and "bloody-backs." In the riot that followed (March, 1770) five men were killed. The funeral of these victims of the "Boston Massacre" was made the occasion for a popular demonstration engineered by Samuel Adams; and each anniversary of the affray was celebrated in Boston with incendiary speeches against British tyranny, until the national fête of the Fourth of July furnished a nobler patriotic holiday. After the "massacre" the troops were withdrawn and the Townshend duties repealed (except for a trifling tax on tea). Therewith the attempt of Parliament to raise a revenue in America was abandoned.

For three years thereafter there was comparative calm. The colonies were hardly mentioned in Parliament. Their trade with England revived, imports rising from £1,634,000 in 1769 to £4,200,000 in 1771. In spite of the efforts of the radicals to prevent the importation and sale of tea, a good deal of that article found its way into the houses of the colonial dames. The British East India Company had 17,000,000

they were resisted as encouraging "a swarm of office-holders to live on the fruits of colonial labor and industry." At the same moment (June, 1767) the assembly of New York was suspended for refusing to obey a Quartering Act which was a part of the Grenville legislation.

pounds of tea stored in warehouses in England, on which they would have to pay a duty of a shilling a pound before they could dispose of it in Great Britain. The company was financially embarrassed, and the ministry proposed the wily scheme of benefiting its shareholders in England and furnishing it with customers in America by drawing back the shilling duty and allowing the company to sell the tea in the colonies, subject only to the duty of 3*d.* a pound in America. The revenue to the crown would be trifling. The object was rather to tempt the colonies to acknowledge the authority of the British Parliament to tax them. Lord North bluntly confessed, "The King meant to try the case in America."[1] The result of the "trial" is well known. Not an ounce of the 2051 chests of tea sent to America was received by the consignees. The ships arriving at Philadelphia and New York were sent back with their cargoes intact. The tea that was landed at Charleston was seized by the authorities of the province and afterwards sold at auction for the benefit of the American cause. The people of Boston having failed to persuade Governor Hutchinson (two of whose sons were among the consignees) to give clearance papers for the three tea ships anchored at Griffin's wharf, a band of citizens disguised as Mohawk Indians boarded the ships in the evening of December 16, 1773, and, ripping open 342 chests of tea, dumped the contents into Boston Harbor.

In this semitragic, semicomic act ended the Grenville policy inaugurated a decade earlier. It had been contracted to narrower and pettier lines by Townshend and Lord North, until it dwindled down to a tricky attempt to enforce a three-penny tax. The destruction of the tea drew down upon the people of Massachusetts the first punitive measures of the British government. The cup of the colony's offense was full to the brim. The Otises, Warrens, Quincys, and, above all, the "brace of Adamses" had aroused a spirit of rebellion and organized an

[1] The king wrote to North in September, 1774, that he had "no inclination for the present to lay fresh taxes," but that there "must always be *one* tax to keep up the right."

"invisible government"[1] which must be put down once for all. A series of acts of Parliament in the spring of 1774 (called by the colonists "the Intolerable Acts") sounded the challenge to submission or defiance. The port of Boston was closed until the colony should pay the East India Company for the tea destroyed. The charter of 1691 was practically abrogated, the choice of various executive officers being transferred from the people to the royal governor. The town meeting was forbidden to assemble without the governor's permission, except for the routine business of elections. A new Quartering Act required the province to provide lodging and food for British soldiers. Officers or magistrates charged with murder in suppressing riots or executing revenue laws could be sent to England for trial. Thomas Hutchinson, the ablest of the royal governors of Massachusetts, left for England in June, 1774, and was succeeded by General Gage, who declared that with four regiments of soldiers he could quell the rebellious spirit of the colony: "They will be lions while we are lambs, but if we take the resolute part they will prove very meek."

The British government thought that it was punishing a province, but found that it was declaring war on America. The colonies, from New Hampshire to South Carolina, made the cause of Massachusetts their own. Food and money were sent to relieve the inhabitants of Boston from the distress caused by the closing of her port. The Virginia Burgesses adopted Jefferson's resolution appointing the day on which the Boston port bill went into effect as a day of humiliation and prayer, "to give us one heart and mind firmly to oppose every injury to American rights; and that the minds of his Majesty and par-

[1] Samuel Adams had formed Committees of Correspondence among all the towns of the province in 1772. They were unofficial groups of patriots to keep alive the agitation against the British governors "when the flame of liberty burned low." The Tory pamphleteer Daniel Leonard called these committees "the foulest, subtlest, and most venomous serpent ever issued from the egg of sedition." Thomas Jefferson, through whose influence the committees were made intercolonial, wrote many years later (1818) to Governor Tyler of Virginia, "To these little republics [of New England] we owe the vigor given to the Revolution at its commencement in the eastern States."

liament may be inspired from above with wisdom, moderation, and justice." For this impertinence the House of Burgesses was promptly dissolved by the governor, but the members, meeting informally at the Raleigh Tavern, sent out the call for an annual congress of all the colonies. One after another the colonies fell into line, until all but Georgia had chosen delegates. On the fifth day of September, 1774, the fifty-five members of the First Continental Congress met in Carpenter's Hall, at Philadelphia. America was organized. From this time forth there was a public body, representative of the common interests of her colonies. The Continental Congress laid the foundation of the American federal nation.

The Declaration of Independence

Protest, nullification, armed resistance, independence,—these are the steps in the reply of the colonies to what they deemed British oppression. The stages are not sharply defined. There were some colonial leaders, no doubt, who early became convinced that they could never preserve their liberties in connection with the British Empire; and there were many who had not advanced beyond the stage of protest when the majority were ready for independence. There is no one of the leaders, from the radical Patrick Henry to the conservative Dickinson or Galloway, whose views we can call "typical" in the decade succeeding the Stamp Act. The transactions of the First Continental Congress, however, were a long step toward the consolidation of public opinion in America; for the common statement of grievances there presented and the adoption of a colony-wide plan for the boycott of British trade may be called the first expression of the will of a united America.

The Congress was radical. Its members had been chosen by Committees of Correspondence, Committees of Safety, or provincial mass meetings, and in only two instances (Massachusetts and Pennsylvania) by colonial legislatures. On the motion of Samuel Adams it forthwith indorsed the Suffolk Resolves, in which the patriots of the county containing the

rebellious town of Boston had declared that the Intolerable Acts were void, had instructed the tax collectors not to pay the public money over to the king's officers, and had even advised the inhabitants of the town to train a militia force and to elect delegates to a provincial congress to govern the colony in place of the legislature under General Gage. This was a virtual declaration of independence. James Galloway, a conservative delegate from Pennsylvania, proposed a plan, which was approved by the Earl of Chatham (Pitt) and several other leading Whigs in England, for a permanent congress of the united colonies at Philadelphia, with power to concur with Parliament in all legislation affecting America. But Galloway's plan was rejected, and even the report of it was expunged from the journals of Congress. Instead, there was adopted a "Declaration of Rights and Grievances," a kind of ultimatum to Great Britain, in which the extreme claims of the colonists were put forward. It called for the repeal of a dozen acts passed since the Grenville ministry, especially the Intolerable Acts, which were characterized as "impolitick, unjust, cruel, and unconstitutional." The colonists migrating from their mother country, it claimed, lost none of their rights, which were based on "the immutable laws of nature, the principles of the English constitution, and the several charters or compacts."[1] An agreement called the "Association," boycotting both import and export trade with Great Britain, a petition to the king, and addresses to the inhabitants of the province of Quebec,[2] to the people of England, and to the

[1] Note the order of the sources from which these rights are derived. Thomas Jefferson sent to the Virginia convention—which met in August, 1774, to choose delegates to the Congress—a paper containing a draft of instructions to the members, which was printed under the title, "A Summary View of the Rights of British America." Next to Thomas Paine's "Common Sense" the "Summary View" was the most influential of all the Revolutionary pamphlets. It contains the first clear statement in modern history of the doctrine of expatriation, claiming that the emigrants to the American colonies were released from all connection with Great Britain except their voluntary allegiance to the crown. Parliament was as "foreign" a body for them as the Spanish cortes or the diet of the Holy Roman Empire! Jefferson called the Continental Congress "your great American Council."

[2] The Congress exposed itself to not a little ridicule from the Tories for its inconsistency in the addresses to the English people and to the Canadians. In the

American colonists completed the series of papers put forth by the Congress. Chatham declared them unrivaled for "solidity of reason, force of sagacity, and wisdom of conclusion." The Congress adjourned in October, 1774, to meet again in the following May in case their grievances were not redressed.

Before we notice under what changed and exciting conditions the Congress reconvened on May 10, 1775, it is well to examine the theory which underlay the Declaration of Rights and Grievances. It has often been remarked that the Americans of the Revolutionary epoch were far closer to their ancestors of the seventeenth century than to contemporary Englishmen. Certain it is that Hooker's remark in the "Ecclesiastical Policy," that "governments cannot be legitimate unless resting on the consent of the governed," and John Locke's theory in the "Essay on Civil Government," that "men naturally free, equal, and independent form political societies in which they delegate to a government certain restricted powers for securing the tranquillity, the safety and welfare of the people," seemed like self-evident truths to the colonists. Their ancestors had left the homeland in great numbers in the seventeenth century for the sake of vindicating these truths. All their traditions were those of compact between free and equal people, whether associating in the commercial companies of Virginia and the Carolinas or building the Congregational churches of the Northern colonies, or laying the foundations for the little "body politick" in the cabin of the *Mayflower*. They did not have to learn the doctrine of government as a public service, because they had never, from the days of Archbishop Laud to the days of Lord North, allowed the practice of government as a divine right to be established on these shores.

This sense of their dignity as English freemen, inherited from their ancestors of the seventeenth century, was strengthened by the philosophy of the eighteenth century, which taught the

former it raised the bogy of Roman Catholicism, accusing George III of trying to fasten "popery" on all the colonies, as James II had tried to fasten it on England; while in the latter it cited the case of Switzerland to show how Protestant and Catholic could dwell together in unity.

natural, inalienable rights of the individual and his unlimited perfectibility. Every act of authority outside the "natural" sphere of parentage, guardianship, or such necessary personal relationships verged toward tyranny. Political associations arose out of the "social compact" and were simply the expression of the "nature and constitution of man in the relations he has to the beings that surround him." Men ceased in this doctrine to be the creatures of the state and became its creators. "The sovereign," said Jefferson in 1774, "has had rights and the people only privileges till now. This rule must be reversed. It is the people who have all the rights and the sovereigns have only very limited privileges."

The events of the ten years between the Grenville legislation and the meeting of the Continental Congress revealed how far apart were the men of English speech and blood on both sides of the Atlantic. To the British government, and doubtless to a great majority of the English people,[1] the behavior of the colonists in that decade seemed like willful rebellion. English statesmen knew nothing of that fictitious "constitution," above Parliament and the king, which by conferring "natural rights" on the colonists as men allowed them to slip out of their responsibilities as subjects. It was a much more serious thing than "mutual misunderstanding" between England and her colonies. It was rather mutual despite for political ideals, which each side cherished the more tenaciously under opposition, that led to the break. The year 1774 had not closed before George III had stated the dilemma in a letter to Lord North: "We must either master them or totally leave them to themselves as aliens."

When the Continental Congress reconvened on May 10, 1775, it was confronted by "a condition and not a theory."

[1] We must not be deceived by the Whig orators in Parliament into believing that they represented the English nation. Lord North was more popular than Edmund Burke. Thomas Hutchinson, who returned from the governorship of Massachusetts to England in the autumn of 1774, wrote back, "I am persuaded that there never has been a time when the nation in general was so united against the colonies."

The king had rejected the petition of 1774. Chatham, eulogizing the Congress and demanding the withdrawal of the British troops from Boston, had secured but eighteen votes in the House of Lords, while both branches of Parliament by large majorities assured the king of their "support at all hazards to put down rebellion." The Massachusetts "minutemen" had already faced the British redcoats, musket in hand, on Lexington green and at Concord bridge. Sixteen thousand New England farmers, armed with their old smooth-bores and blunderbusses of the French and Indian wars, were closing in upon Gage's regiments in Boston. On May 16 the provincial congress of Massachusetts wrote to the Continental Congress at Philadelphia, asking it to take command of the army around Boston "for the general defence of the rights of America" and to devise a government for the country. It was too late to avoid bloodshed. Congress must either put itself at the head of such union as there was in America or leave the colonies to anarchy and New England to the vengeance of the British troops. It did not hesitate in its choice. George Washington was appointed commander of the "continental army" in June, and on July 6 Congress issued a spirited "Declaration of Causes for Taking up Arms." "We are reduced to the alternative of chusing an unconditional submission to the tyranny of irritable ministers or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. Our cause is just. Our union is perfect. . . . We mean not to dissolve that union [between England and the colonies] which has so long and so happily existed and which we sincerely wish to see restored. Necessity has not yet driven us to that desperate measure. . . . In defence of the freedom which is our birthright we have taken up arms. We shall lay them down when hostility shall cease on the part of our aggressors."

Some of the delegates had come to the second meeting of the Continental Congress ready to follow Samuel Adams in declaring immediate independence, seizing the king's officers, and soliciting the aid of France and Spain. But the conservatives

were numerous enough to persuade the Congress again to "whine in the Style of humble petitioners" to the king. In a dutiful memorial John Dickinson protested the attachment of the colonists to "his Majesty's person, family, and government," deplored the common misfortune to Englishmen on both sides of the Atlantic should fratricidal strife divide them, and begged George III by healing the dispute to transmit his name to posterity "adorned with that signal and lasting glory that has attended the memory of those illustrious personages whose virtues and abilities have extricated states from dangerous conditions, and by securing happiness to others have erected the most noble and durable monuments to their own fame." Dickinson mistook his man. It was not for George III but for George Washington that this lofty service and this enduring fame were reserved.

Every month of the session of Congress gave fresh proof of the impossibility of effecting a reconciliation. The king proclaimed the colonies in a state of rebellion, prohibited all trade and intercourse with them, set fire to their towns, and hired German soldiers to reduce them to obedience. Congress, on the other hand, maintained an army in active opposition to the royal governor of Massachusetts, appointed diplomatic agents to approach the courts of Europe for aid, and recommended the patriots of New Hampshire, South Carolina, and Virginia to follow the lead of Massachusetts in establishing such a form of government as would "best produce the happiness of the people and secure peace and good order during the continuance of the present dispute between Great Britain and the colonies." It is hard to imagine what further act of sovereignty the Congress could perform; and yet it deferred the declaration of the independence of America a full year from the day when it so confidently announced the justice of the colonies' taking up arms against their king.

Was it fidelity, caution, fear, or calculation that postponed so long the declaration of American independence? This question cannot be answered in a word. Pages could be filled with the protestations of loyalty uttered by leading Americans

in the decade preceding the battle of Lexington.[1] Hypocrisy and lip service! cry the Tory historians of the Revolution. But we need not attribute hypocrisy to men like Washington and Jefferson, Franklin and Adams, to explain their protestations of loyalty to the British Empire in the midst of their resistance to parliamentary legislation. The very empire, as they understood it, was the guaranty of certain immemorial rights, and in the invasion of those rights they saw the danger of the dissolution of the empire. Their case was like that of many men of the South in the decade preceding the Civil War. Alexander H. Stephens protested to the last, vigorously and honestly, his love for the Union—so long as it should guarantee what he considered to be the constitutional rights of the American commonwealths. He became the vice president of the Confederacy.

But aside from sentimental attachment to Great Britain, there were certain very practical considerations which held the colonies back from a final break. Until they should be prepared to act in unison a proclamation of their independence would be rash and premature. In spite of the brave words of July 6, 1775, the union of the colonies was not "perfect," however just their cause. As late as January, 1776, New York, Pennsylvania, Maryland, and New Jersey instructed their delegates in Congress to vote against independence. Unless they all "hung together," as Richard Penn remarked with grim humor, they were all likely to "hang separately." To confess themselves rebels would close the door to reconciliation. And to fail in their

[1] Some of the most pronounced of these remarks are: "Independence, which none but rebels, fools, or madmen will contend for" (James Otis, 1765); "I have never heard in any conversation from any person drunk or sober the least expression of a wish for separation from England" (Benjamin Franklin, 1774); "That there are any who pant after independence is the greatest slander on the province [of Massachusetts!]" (John Adams, 1775); "Until after the rejection of the second petition of Congress, I never heard an American of any class or description express a wish for independence" (John Jay); "It is well known that in July, 1775, a separation from Great Britain and the establishment of a Republican Government had not yet entered into any person's mind" (Thomas Jefferson, 1782); "I am well satisfied that no such thing [as independence] is desired by any thinking man in all North America" (George Washington, 1774).

rebellion would be to offer their heads to the executioner. "Congress gave signal proof of their indulgence," wrote Jefferson, "and of their great desire not to go too fast for any respectable part of our body."

If some feared anarchy, others feared despotism. There was a deep-seated apprehension among the people of the new states that their liberties might be encroached on by Congress. George III's government was offensive, to be sure; but might not a victorious general here subdue the states to a submission the more deplorable as it would be self-invited, and the more intolerable as its agents would be near at hand? Was it not better to correct the ills they had than to fly to others that they knew not of? And might there not perhaps be some truth in the contemptuous irony with which Dean Tucker of Gloucester had dismissed the whole question: "Independence would be a cheap and excellent punishment for the colonies"?

The natural reluctance of the commercial classes on both sides of the Atlantic to have their profitable connection broken was another deterrent from independence. In the debates on the nonintercourse agreement, in September, 1774, Samuel Chase of Maryland predicted that bankruptcy for England would result if the measure were adopted. "Two thirds of the Colonies," he said, "are clothed in British manufactures." Richard Henry Lee (who later proposed the motion for independence) thought that the same ship that carried the nonimportation resolutions to England would bring back the redress. George III and his political allies had to be on the alert to combat the commercial pacifists who rose in Parliament to present petitions from the merchants of their towns and counties praying for an accommodation with the colonies for the salvation of their trade.

Finally, English politics complicated the question of American independence. If the postponement of the declaration tended to unite opinion in America, it also tended to divide opinion in Great Britain. So long as the colonies held to their allegiance they might hope to win sympathy across the water. The Whig statesmen, from Burke to Barré, who approved America's resistance to Grenville's, Townshend's, and

North's legislation, were a unit in their condemnation of secession. "I rejoice that America has resisted!" cried Pitt in the debate on the repeal of the Stamp Act; but still he asserted in 1774 that if he believed the Americans entertained "the most distant intention of throwing off the legislative supremacy of Great Britain," he would be the first to enforce British authority "by every effort the country was capable of making." Some unforeseen turn of affairs might at any moment overthrow the Tory government in England and bring the friends of American rights into power. It had happened in 1765, in the case of Grenville and Rockingham, with the glorious result of the repeal of the Stamp Act. A successor to Lord North might undo the Intolerable Acts. Anyway, it was better to wait. The population and wealth of the colonies were growing rapidly. If separation must come, the longer it was delayed the easier its accomplishment would be.

Such considerations, added to the natural inertia of a prospering people,[1] the lack of a definite and universal mandate to Congress from the states, and the serious risk involved in openly proclaiming themselves rebels, make it a wonder rather that independence was declared at all than that it was declared so late. We have abundant testimony from men who certainly would not overrate the amount of British sympathy in the colonies that during the whole of the war at least one third of the people of America were opposed to the separation. In New York and some of the Southern states the Tories were probably in the majority. Lecky, in an oft-quoted sentence, has summed up the situation admirably: "The American Revolution, like most others, was the work of an energetic minority who succeeded in committing an undecided and fluctuating majority to courses for which they had little love, and leading them step by step to a position from which it was impossible to recede."

[1] The bishop of Derry (Ireland) in a curious letter to Lord Dartmouth, May 23, 1775, declared that a large part of the revolutionary sentiment in the colonies was due to the migration from Ireland, within a few years, of "over 30,000 fanatical and hungry republicans."

The die was cast on July 2, 1776, when Congress passed Lee's motion that "these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown; and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved." Two days later, Thomas Jefferson's draft of a "Declaration of Independence" was adopted.[1] It was based on the political doctrines that governments exist by the consent of the governed, for the purpose of securing to men their inalienable rights of life, liberty, and the pursuit of happiness; and that revolution is a sacred duty when governments seek to destroy or invade those rights. It was an apology, published out of "a decent respect for the opinions of mankind," submitting to a candid world the proofs of a "long train of abuses and usurpations" practiced by George III with the invariable object of reducing the American colonies to a state of "absolute despotism." It was a final and curt repudiation of the authority of Great Britain, and a mutual pledge of life, fortune, and honor to maintain the commonwealths from New Hampshire to Georgia as free and independent states.

The Declaration of Independence is the birth certificate of the American nation. It would be hard to exaggerate its

[1] The Declaration was immediately printed by order of Congress and sent out to the various states, where it was received with public celebrations, speeches, bonfires, and banquets. A copy was engrossed on parchment and signed by most of the members of Congress on August 2, 1776. The clerk of Congress, in making up his rough records for July 4, left a blank space into which there was later pasted a copy of the engrossed document with the signatures appended, and this was then written into the corrected minutes. It therefore looked as though the Declaration had been adopted *and signed* on July 4, 1776. As a matter of fact, some men whose names appear on it were not in Congress on that date. The engrossed parchment with original signatures, preserved for many years in the building of the Department of State at Washington, was transferred in 1921 by an Executive order to the Library of Congress. Here it reposes, with the original of the Constitution of the United States, in a kind of shrine, where its yellowed, faded pages may still be read under its glass cover. In 1824 over two hundred facsimiles were made, which are widely distributed. Several drafts of the Declaration in Jefferson's handwriting are also preserved.

influence on political thought throughout the civilized world or its effect on the immediate situation in America and England. First of all, it cleared the air. We may set side by side the testimony of a patriot of Delaware and an alderman of London. The former wrote on July 9: "Now we know what to depend on. For my own part, I have been at a great stand. I could hardly own the king and fight against him at the same time. But now heart and hand shall move together. I do not think there will be 5 Tories in our part of the country in 10 days. . . . We had great numbers who would do nothing till we were declared a free State, who now are ready to spend their lives and fortunes in defence of our country." Two months later, William Lee wrote from London: "The Declaration of Independence has totally changed the nature of the contest. It is now on the part of Great Britain a scheme of conquest, which few imagine can succeed. Independence has totally altered the face of things here. The Tories . . . hang their heads and keep a profound silence on the subject. The Whigs do not say much, but rather seem to think the step a wise one on the part of America,[1] and the inevitable consequence of the measures taken by the British ministry." It was certain that imperial unity could not exist with full liberty as the terms "empire" and "liberty" were understood on either side of the Atlantic in the eighteenth century. In trying to keep the one and gain the other the colonists exposed themselves to those charges of inconsistency and vacillation which Thomas Paine so mercilessly pressed home in "Common Sense." But now all ambiguity was at an end. Protest, expostulation, and nullification were all merged in the single aim of vindicating the glorious and rebellious Declaration on the field of battle.

The Declaration also marked the sharp separation of the Tories from the "patriots." Till now the former had been

[1] This is true only of the Rockingham Whigs. Fox declared that the "Americans had done no more than the English did against James II." The great majority of the Whigs, however, both the "old Whigs" of Burke and the "new Whigs" of Chatham, severely reprobated the American drift toward independence.

lagging brethren, diverging widely in their judgment as to how much pressure should be brought to bear on the ministry in London, but all agreed that it must stop short of rebellion. They abhorred treason to the king; but the Declaration made them traitors to America. Had they been few or poor, they might have been treated with contemptuous indifference, but they were many and comprised a good part of the élite of the land—large proprietors, merchants, lawyers, college presidents and graduates, ex-officers of the crown, and practically all the Anglican clergy. The Tories who were not fortunate enough to get away from Boston on Howe's ships, or to be under the king's protection in the royal armies or in those seaports which were held by British garrisons (Newport, New York, Philadelphia, Charleston, Savannah), fared very badly. They were tarred and feathered, ridden on fence rails, robbed of their property, and branded in the press as "parricides of their country." Washington, from whose pen the last phrase came, wondered why "persons who are preying on the vitals of their country should be allowed to stalk at large, whilst we know that they will do us every harm in their power." The desperate state of the patriot cause during the six months following the Declaration only seemed to justify the prophetic taunt of the Tories that the American colonies had cut their own arteries in severing themselves from the British Empire and would soon repent the repudiation of a benevolent king. Bleeding feet, tattered coats, and empty stomachs were poor agents of reconciliation or moderation. The patriots who did not desert under such trials were triply steeled in their determination to confound all traitors.

Finally, the Declaration of Independence was important as a stroke in diplomacy. So long as the Americans were fighting to coerce Great Britain into granting concessions which would make them by their own confession dutiful and loyal subjects of King George, they could hardly expect the aid of European countries. France, Spain, and Holland were not interested in the reform of the British Empire—they wanted its destruction. When therefore the Congress at Philadelphia announced the

READING THE DECLARATION OF INDEPENDENCE BEFORE WASHINGTON'S ARMY, NEW YORK, JULY 9, 1776

secession of the largest and richest part of the proud empire, the announcement was received with joy at the courts of Europe. The Declaration itself, to be sure, was not enough to tempt France, verging as she was toward bankruptcy and revolution, to take the lead publicly in building up a coalition of European rivals of Britain's imperial power. Another year and a decided American victory in the field were necessary to bring about that result. But from the moment of the Declaration secret aid from France in money, arms, and clothing was liberally supplied, with the connivance of the ministers of Louis XVI. The French government allowed and even encouraged its officers to solicit commands in the American army. When it issued orders to stop ships sailing for America with contraband goods, it supplied supplementary instructions to make their escape easy. It ostentatiously forbade the use of French ports to American privateers while privately assuring the American agents that the prize courts would not interfere with "the enjoyment of the whole harvest of plunder upon British commerce." And all the while, the French foreign office was pledging to the British ambassador "the perfect neutrality and pacific intentions" of King Louis's government. Whether or not the American army could have held together without the aid of France we cannot tell, for we cannot set a limit to the tenacious, patient courage of George Washington. The judicious Lecky believed that most of the American states would have abandoned the struggle without this help from Europe, and that, although New England and Virginia might have kept up a local warfare for a time, "the peace party would have soon gained the ascendent and the colonies been reunited to the mother country."

Washington's army, which had been transferred to New York after the British evacuated Boston, heard the Declaration read in what is now City Hall Square, on July 9, and hailed it with joy. The leaden equestrian statue of George III was thrown down to be melted into bullets, and the king's arms on public buildings were torn down and burned in boisterous bonfires,—all in the sight of General Howe's troops on Staten

Island. In the dark days of the autumn of 1776, when the American hopes seemed to have faded like a summer's flower, when Washington was reluctantly withdrawing his dwindling army across the state of New Jersey and writing that the game was "pretty well up," when no friendly foreign power had as yet taken us by the hand, it is doubtful whether anything else could have held the ill-kept soldiers and the despairing statesmen to their task than that pledge of their lives, their fortunes, and their sacred honor to the cause of independence.

War and Peace

More than a year passed after the signing of the Declaration of Independence before there was much likelihood that the American states would succeed in assuming that "separate and equal station among the powers of the earth" to which they aspired. Next to their own indomitable leader, the patriot army had the commander of the British forces to thank that it was not annihilated in any one of a half dozen desperate situations in which it found itself in the autumn and winter of 1776–1777. Richard, Lord Howe, admiral in the British navy, sailed into New York harbor a week after the Declaration of Independence was adopted, bringing reënforcements to his brother William, who was encamped on Staten Island. When the forces of the Howes were joined by Sir Henry Clinton's troops, returning from an unsuccessful attack on Fort Moultrie in Charleston harbor, and by some 8000 German mercenaries hired from the princes of Anhalt, Brunswick, and Hesse, there were nearly 35,000 soldiers in the British ranks—the largest army gathered on American soil till the Civil War.

To oppose this formidable force Washington had nominally about 18,000 men, but they were poorly equipped and ill trained. General Israel Putnam with 8000 patriot troops fortified Brooklyn Heights and tried to hold Long Island against Howe; but the British easily outflanked and defeated Putnam's advance lines under Generals Hull and Stirling (August 27), and Howe had the Americans completely at his mercy in their

trenches at Brooklyn. All he had to do was to send a warship into the East River and shut off their retreat to the New York side. The ferry was left open, however, and Washington collected craft of all sorts along the shore and transported his entire army to the Manhattan side under the cover of a heavy fog. Howe's advance pickets arrived at the water's edge in time to fire a few scattering volleys at the vanishing boats.

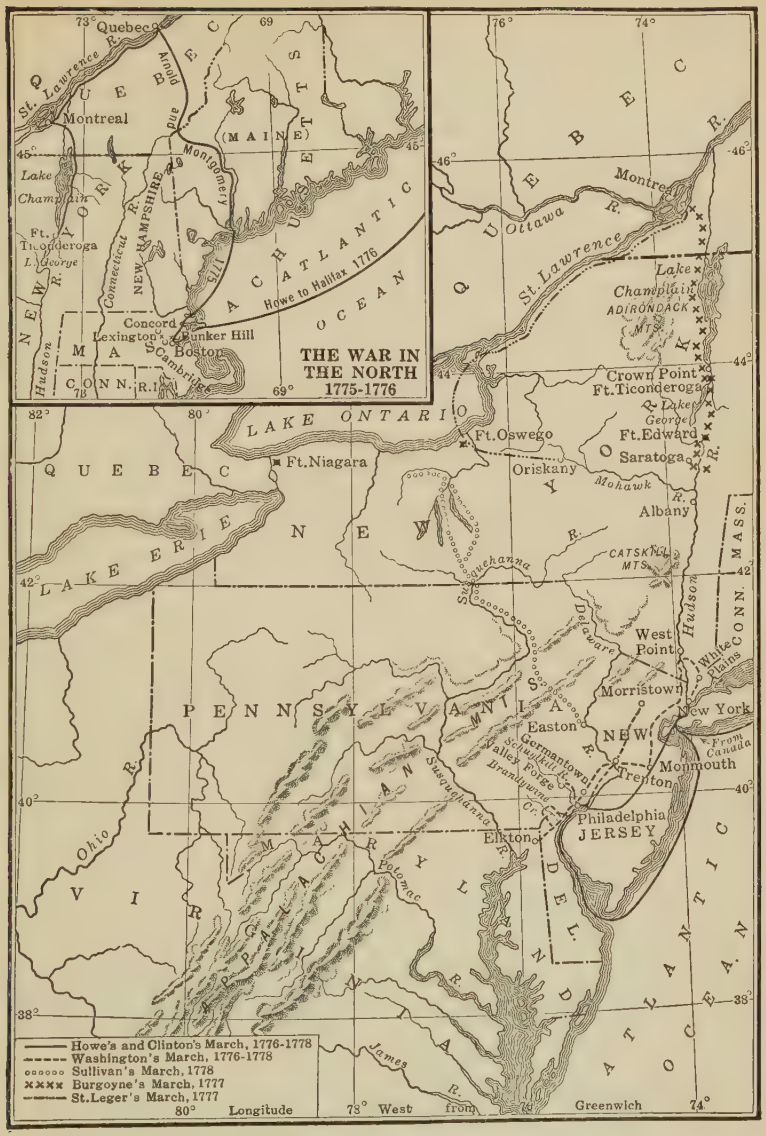
This amazing apathy of General Howe was of a piece with his conduct for the next ten months. He followed Washington's army more like a detective shadowing a suspected criminal than like a general with a vastly superior army seeking his prey. When he got close enough to the patriot army to bring it to bay, as at Harlem Heights or White Plains, he was satisfied with inflicting a defeat and letting the Americans continue their retreat. If he captured the garrisons at Forts Washington and Lee, it was only after allowing the Americans plenty of time to abandon the strongholds if they wished to. When he was leisurely pursuing the dwindling army across the state of New Jersey, he timed his march so that his advance columns entered Trenton just as Washington had got his last boatload of troops across the Delaware to the Pennsylvania side. At any moment of the five months (January to May, 1777) during which Washington's army of never more than 4000 men lay at Morristown, New Jersey, in winter quarters, a detachment from Howe's army at New York or Cornwallis's at New Brunswick might have annihilated the patriots and ended the war Washington himself wrote in March: "If the enemy do not move, it will be a miracle. Nothing but ignorance of our numbers and situation can protect us." But Howe was ignorant of neither, and yet he did not move. Desertions from Washington's army were constant. The New Jersey farmers who defended their cattle, chickens, and vegetables against the patriot scouts, in order that they might sell them at high prices in hard gold to the British in New York, could give their customers all the information they wished.

The plain fact is that the commander of King George's forces in America did not wish to conquer the Americans by

the sword. He was a Whig, although the king's cousin, and he had promised his constituents at Nottingham that he would not fight to subdue the people whom Burke and Chatham lauded. He was the brother of the valiant George Howe, who had fallen in Abercrombie's ill-fated attack on Ticonderoga (1758) and whose monument in Westminster Abbey had been built by the grateful generosity of the colony of Massachusetts. He was himself a veteran of the French wars in America, having commanded a regiment at Louisburg (1758) and climbed the steep path of the Anse de Foulon in the vanguard of Wolfe's band of volunteers for the surprise of the pickets at Quebec. He and his brother Lord Richard bore the commission from the king to pardon the Americans individually and collectively on their return to allegiance to the crown.[1] This olive branch Howe carried in his right hand, the sword in his left. He believed that the great majority of Americans were really loyal to the king, but had been led astray by demagogues and firebrands. He thought, not without reason, that the patriot army would disintegrate, composed as it was of shifting levies of militia, while the people of New Jersey and the other central states flocked in increasing numbers to the Tory camp. Some 3000 had accepted the royal proclamation of pardon in December, 1776, and were carrying the certificates of loyalty snugly in their coat pockets to frighten off any British or Hessian raiders.

Whether Howe's conduct is to be explained by his own amiable indolence or by the complication of British politics, it was of utmost service to the patriot cause. He spared Washington's army until the sentiment of independence had taken deep root in America; until the new state governments were

[1] After the battle of Long Island, Lord Richard sent General Sullivan to Congress to ask for a conference. Franklin, Adams, and Rutledge went to his headquarters on Staten Island and were regaled on his excellent mutton and claret, but came to no terms. Howe expressed his regret that he had not arrived in America before July 4. When he spoke of his reluctance to conquer the Americans, Franklin replied, "We will do our utmost to save your lordship that embarrassment."



THE REVOLUTIONARY WAR IN THE CENTRAL ATLANTIC STATES, 1776–1778

established; until Congress was converted to the raising of a standing army and so confirmed in its confidence in the great commander as to give him almost dictatorial power in the appointment of officers and the management of the war; until our persistent solicitations resulted in secret gifts of clothing, guns, and money from France. No wonder that the patriot officers drank healths to General Howe! And no wonder that the American Tories (except those who profited by the favors of his *entourage*) condemned him as the marplot who was spreading rebellion in the delusion that he was encouraging reconciliation.[1] The American army suffered many an anxious hour and many a humiliating defeat after the amiable Howe departed, but these defeats did not mean the collapse of the American cause. Even among the snows of Valley Forge the presence of Lafayette, Steuben, and Pulaski was a visible proof that the cause of the American patriots was becoming the cause of Europe. The moment for the British government to have crushed the American Revolution was when the army of crude militia levies was barely holding together in its long season of retreats, when the distracted Congress had fled from its hall in Philadelphia, and when the new states were still dallying with "provisional" governments, only half convinced that the Declaration of Independence was wholly wise.[2] That moment General Howe let pass, and it never came again.

[1] Howe was invested with the order of the Knights of the Bath in March, 1777, for his sterile victory on Long Island the year before. Judge Jones, the Tory historian of New York, with bitter sarcasm, called the decoration "the reward for evacuating Boston, for lying indolent upon Staten Island for near two months, for suffering the whole rebel army to escape from him on Long Island and again at White Plains," etc. That Howe had some support in Parliament is beyond doubt. Arthur Johnson of Canada, in his "Myths and Mythmakers of the American Revolution," attributes the success of the Americans to the encouragement which they received from the English Whigs. A few days before the fall of Lord North (March, 1782) a Tory member of the Commons, named Onslow, said in defense of the prime minister, "Why have we failed so miserably in this war against America, if not from the support and countenance given to rebellion in this very house!"

[2] The state governments formed by Massachusetts, New Hampshire, and Virginia before the Declaration was adopted were only temporary. New Jersey,

Only a single positive achievement broke the monotonous course of defeats and retreats for the patriot army in the year that followed the Declaration of Independence. After having escaped from Howe on Long Island, Washington had been forced to evacuate New York, which remained in the hands of the British during the entire war. Four thousand prisoners of war went with the city, and other thousands were captured when the forts on the Hudson were forced to capitulate. Vainly summoning the insubordinate Charles Lee from the Highlands of the Hudson to reënforce his shrinking army, Washington fell back across the state of New Jersey to a position behind the Delaware, while Howe spread out his forces in a line of posts reaching from Perth Amboy through Trenton and Bordentown. Thousands of the inhabitants of New Jersey accepted the certificates of loyalty eagerly distributed by the Howes. Congress fled to Baltimore, and the people of Philadelphia awaited with indifference the establishment of a British garrison. Then Washington turned like a wounded animal at bay. While he still had the remnants of an army, and before the river froze solid to give the British access to the "capital city," he crossed to the Jersey side late on Christmas night and fell upon the Hessians at Trenton in the midst of their holiday revels. A complete victory, a thousand prisoners, and the consternation of the British line through New Jersey were the rewards of his exploit. Cornwallis, just about to embark for England, hastened to repair the disaster. But Washington outwitted and eluded him, defeated three British regiments at Princeton, and sent the bewildered Cornwallis back in panic to protect his stores at New Brunswick. In a ten days' campaign Washington had recovered the state of New Jersey. He led his soldiers into their precarious winter quarters at Morristown with a glorious

on the very day of the vote in Congress on independence, published a constitution which was to be "provisional in case of reconciliation with Great Britain." It was not till 1777 that state governments were established, with severe test laws compelling their citizens to swear that the war with Great Britain was just and necessary and to transfer their allegiance from King George to the new state authorities.

memory to sustain them in the midst of privation and hunger. It was the most critical action of the war, for it meant life or death to the American cause. It was also the one military achievement of Washington's that ranks him with the great masters of strategy. It won the praise of the greatest soldier of the age, Frederick of Prussia, and it remained in the mind of Lord Cornwallis to the end of the war. Five years later, when he surrendered at Yorktown, Cornwallis gracefully complimented Washington on his "unsurpassed" performance in New Jersey.

When Washington emerged from his quarters at Morristown in May, 1777, with ranks swollen to some 11,000 by the spring levies, the plan was already taking shape in the British councils which was to decide the issue of the war. It was an involved plan, complicated by a lively exchange of letters and orders between the generals in America and the ministry in London; and it is still the subject of a voluminous literature of incrimination and justification. The upshot of it was that General John Burgoyne with an army of 8000 men should come down from Canada via Lake Champlain and the upper Hudson valley, while St. Leger, operating from Lake Ontario via Fort Stanwix (Rome) and the Mohawk, should join him at Albany, and General Howe should proceed from New York up the Hudson to receive these supporting armies. The British forces thus concentrated, and in possession of the entire Hudson-Champlain line, could turn east or south to crush the rebellion. As the British already had control of the Hudson up to the Highlands, it is difficult to see how Washington could have done more than to follow Howe with such harassing rear attacks as he dared to hazard. What was his surprise to learn, just as the messages reached him that Burgoyne was well started on his march, that Howe's great fleet was sighted off the lower New Jersey coast, bearing to the south. Howe had left only 600 men behind in New York under Sir Henry Clinton.

What Howe's motive was in thus "deserting" Burgoyne at the critical moment we do not know. Only worse confusion comes of reading the reports of the investigation of the conduct of both the generals at the bar of Parliament in 1779—

an investigation suddenly stopped for political reasons. But whether it was lack of definite instructions from England, or the belief that Burgoyne's army was able to take care of itself, or an exaggerated idea of the importance of taking the "rebel capital" of Philadelphia, or the desire to end the war in the Middle States before the Tory general, Burgoyne, should have time to gather laurels, or a mixture of all these motives, that determined Howe to go south instead of north, the result of his move was the disruption of the British Empire in America. Washington could not prevent Howe from occupying and holding Philadelphia, in spite of his brilliant resistance at Brandywine Creek (September 11) and his attack on Germantown (October 4). But Howe's success was dearly paid for. Three days after the battle of Germantown Burgoyne abandoned his hope of reaching Albany. In the three months since he had left Ticonderoga with his heavily equipped regulars and his elaborate baggage trains he had covered only seventy-five miles of the rough, wooded country of upper New York. The farmers from all over New England had shouldered their flintlock muskets and hastened to join the forces gathering on his flank. By the first of September there were 10,000 troops with Schuyler, Gates, and Arnold, and in another month the numbers had almost doubled. "Wherever the king's forces point," wrote Burgoyne in despair, "militia to the number of 3000 or 4000 assemble in a few hours." He tried to beat them off by brave attacks before Saratoga and Stillwater, but they were too many for him. On October 7 he was so roughly handled by Arnold and Morgan at the battle of Freeman's Farm that he abandoned his forward march. Ten days later, despairing of help from either Carleton on the north or Clinton on the south, he surrendered to General Gates the 5000 men that were left of his army.

The loss of an army, "surrendered to poltroons and cowards incapable of fighting," as Burgoyne's British critics persisted in calling the American militia, was the least of the calamities that Saratoga spelled for the British cause. Burgoyne surrendered in October. In November, Congress adopted the Articles of Confederation—a constitution binding the states

together in "a perpetual union." In December the news of the surrender reached France and induced the court to make a formal treaty of alliance with the United States. It was signed on February 6, 1778. In a desperate effort to prevent the conflict in America from widening into a European coalition, Lord North had introduced into Parliament a Conciliatory Act, repealing the tea tax of 1767 and the Intolerable Acts of 1774 and authorizing a commission to sail for America to negotiate the return of the revolting colonies to the empire. The terms to be offered removed every abuse against which the Americans had protested since the Grenville legislation.

This simultaneous movement of France and Great Britain toward a closer union with the rebel states across the ocean was the most significant diplomatic event of the Revolution. It put America in a favored position which her astute minister at Paris, Benjamin Franklin, was not slow to improve. He could speak with mock anxiety of the possibility that America might be obliged to consider England's offer unless more help were forthcoming from Europe, and could work on Vergennes's fears that the success of the English commission would mean the triumph of the Whigs, in whose eyes France and not America was the great enemy. "The power that recognizes American independence will gather all the fruits of this war," wrote Vergennes. Great Britain was willing to concede everything but independence. France outbid her, offering the aid necessary to the establishment of complete independence and granting, besides recognition, a favorable treaty of commerce.[1]

America eagerly welcomed the alliance with France in spite of Tory tales to the effect that the country would be overrun with Roman priests and that rosaries, relics, racks, and thumbscrews, with bales of "papistical tracts," were coming in the

[1] On the basis of material lately discovered in the Paris archives Professor Van Tyne has shown that French agents in London warned their government that the American states were ready, in return for the acknowledgment of their independence, to join with England in an attack on the French West Indies. It was probably to frustrate such a move, he believes, that the French government agreed to the treaty of alliance with the United States in February, 1778.

holds of King Louis's ships. What did come was powder, lead, and gold. All told, between 1778 and 1781 France furnished us all our naval strength, half our land forces, and equipment and stores of incalculable value. Her intervention in our behalf cost her over 1,000,000,000 francs. In return we promised to make no terms with Great Britain short of the recognition of our independence and to continue the war against the British Empire until our ally should be ready to make peace. It was the only treaty of alliance that the United States ever made, and, as the sequel will show, it cost us much embarrassment until we were relieved of it by Napoleon Bonaparte in 1801. A romantic interest attaches to the reception by Congress, on August 6, 1778, of the first accredited foreign minister to the United States, M. Gérard, bearing a letter from Louis XVI to his "very dear great friends and allies." It was the formal entrance of America into the family of nations.

The humiliation at Saratoga, the rejection of the Conciliatory Acts, and the conclusion of the French alliance brought about a decided change in the conduct of the war. England cast aside the olive branch and transferred the sword from her left hand to her right. Revolt against her authority was one thing, but a treaty of alliance with her old enemy France was insult added to injury and obstinacy. The punishment should be swift and unsparing. Clinton and Cornwallis never had more than a third of the splendid army which the Howes brought to New York in the summer of 1776; but they now used their troops as the Howes never did. They sent out detachments in every direction to terrorize the country by savage raids. The theater of the war was changed too. Until now (except for Clinton's futile expedition against Charleston in 1776) all the fighting had been in the Northern states, but after 1778 it was all south of the Potomac. The British held Newport until late in 1779 and New York until the close of the war, while Washington lay with his army for three years strongly intrenched in the Highlands of the Hudson. He never met Clinton in battle, and in fact fought no important engagement at all between Monmouth (June, 1778) and Yorktown (October, 1781).

In transferring the seat of the war to the South the British ministers and generals were making a fresh start. They would crush the rebellion by detaching the great lower states one by one from the Union, from Georgia up to Virginia. Savannah was taken December 29, 1778, with all its ammunition, stores, and shipping. The patriot officials were driven from the state of Georgia along with the patriot militia. The old colonial government was reëstablished and Georgia was formally declared by Parliament to be out of the rebellion. In May, 1780, the British brought a fleet and army down from New York and reduced Charleston, the richest seaport of the South. With the town of Charleston, General Benjamin Lincoln surrendered 2500 colonial troops, practically the whole American army south of the Potomac. Henceforth Cornwallis could move where he would. He began his march through the interior of the Carolinas, expecting the tens of thousands of Loyalists in those states to flock to his banners, as the patriots of New York and New England had flocked to the banners of Schuyler, Gates, and Arnold at Saratoga.

But Cornwallis discovered what all the British commanders learned, that while it was easy to hold the seaport towns with the support of the British fleet, the inland and upland regions escaped his control. It was not Tories but patriot farmers, hunters, and wood-rangers from both sides of the Appalachian Mountains who swarmed around Colonel Ferguson at King's Mountain (October 7, 1780) and nearly exterminated his detachment of Loyalist militia. The "affair" at King's Mountain struck terror into the army of Cornwallis: "There is scarcely an inhabitant between the Santee and the Pedee who is not in arms against us," he wrote. He tarried at Wilmington to repair the morale of his troops, while fresh thousands joined the guerrilla leaders of the patriots. After a year's hard campaigning by detachments between the yellow rivers which slant lazily across the Carolinas, Cornwallis found himself in the summer of 1781 just where he had been in the summer of 1780; namely, in control of the seaboard. Even the patriot governor and legislature of Georgia had been restored.

The Revolutionary War in the West and South, 1778–1781

Not that the American cause was in a flourishing state. The same spring which was to open the last year of actual warfare (1781) marked in some respects the epoch of deepest dejection and gloom for the patriots. The brilliant Arnold, his vanity wounded by the "ingratitude" of Congress and flattered by the solicitations of Tory friends, had attempted to deliver over the stronghold of West Point (and therewith the Hudson and Washington's army) to General Clinton. Continental currency was so worthless that unless some gold could be secured from France, Congress would cease to be able to purchase any supplies or even hire transportation for those which it commandeered. The calls for enlistments in the continental army went unheeded, and the regiments already enlisted began to show signs of mutiny for lack of food and pay. The pathetic and the humorous are strangely blended in the fortunes of the army in those closing months of the war: Washington riding to Hartford to meet Rochambeau for a ceremonious welcome to the French troops in the summer of 1780 without money enough to pay the tavern bills of his suite; Morgan capitalizing the cowardice of the raw militia at Cowpens (January 17, 1781) by ordering them to fire two volleys and run to the rear—warning the regulars not to disturb them when they should see them flying past; Greene's troops at Eutaw Springs (August, 1781) literally in rags, and sometimes even in Adam's garb of foliage, their distracted commanders writing, "Turn what way you will . . . ruin is in every form and misery in every shape."

Yet in spite of suffering and poverty, the situation was not so desperate as in 1776. Cornwallis might detach the states south of Virginia, but the North was safe. The most England could hope for was to limit independence to New England and the Middle States. Furthermore, the maritime powers of Europe were growing more and more determined that England should not win the war. Spain had joined France in 1779, and the next year Holland came into the coalition against "the tyrant of the seas"; while Russia, Denmark, and Sweden formed the league of "armed neutrality" to enforce the doctrine that "free ships make free goods." In India, in the

Mediterranean, in the West Indies, and on the high seas English soldiers and sailors were contending against the powers of Europe. The Whigs in Parliament were clamoring to have the war in America ended, in order that Great Britain might concentrate her attack on her ancient enemies, France and Spain. Finally, the French, whose military and naval aid had thus far been unfruitful,[1] might at any moment furnish just the help necessary to turn the scale and win the war.

In January, 1781, Congress, at Washington's request, sent Colonel John Laurens as special envoy to France to represent our deplorable situation and urge immediate aid. The appeal was not in vain. King Louis sent over an army of 7000 men with Admiral De Grasse, and 2,000,000 francs in gold. General Rochambeau, who had been lying inactive at Newport for a year, joined Washington at White Plains (July 6), and De Grasse sent word from the West Indies that he could spare his ships for a while to coöperate with the troops on the coast. It was too good an offer to miss. At first Washington wanted to attack New York, but a better opening presented itself. Cornwallis, whose plans grew more grandiose as his means dwindled, had conceived the idea of reducing the rich and populous state of Virginia by a series of raids like those conducted in the Carolinas. He boasted that he would drive out "that boy" Lafayette, who was in command of a small army in the state. But Lafayette outmaneuvered him in Virginia as Greene had done in the Carolinas, and Cornwallis returned as usual to the coast, establishing himself in the peninsula between the York and the James Rivers, at Yorktown. The strategy was excellent so long as he had the support of the British fleet, as at

[1] The French fleet, on whose coöperation any hope of driving the British from the coast towns depended, was ordered to operate in the West Indies and give only its spare time to the American coast. The result was that there could be no effective support of the land forces. D'Estaing happened always to arrive just too late or to depart just too early to prevent the embarkation of Clinton's troops or to intercept British transports bearing provisions and reënforcements. The Virginia assembly petitioned in vain for French ships to guard the entrance to Chesapeake Bay, for example, at the time of Arnold's raid on the state (April, 1781).

Savannah and Charleston; but he had moved so far up the coast that the only naval help that could reach him quickly would have to come from Clinton at New York. Washington's clear eye saw the situation at a glance. He sent a swift ship to the West Indies to beg De Grasse to hasten to the capes of Chesapeake Bay, while he and Rochambeau, after a feint on New York to keep Clinton anxious, marched rapidly from the Hudson to the head of Chesapeake Bay and there embarked for the Yorktown peninsula. Du Barras brought the siege artillery from Newport in another French fleet. All the difficult maneuvers were executed with precision and success. When the British admiral Graves arrived from New York, he found the French in possession of the entrance to Chesapeake Bay and his own fleet too weak to dislodge them. Cornwallis was in the trap. The superior forces of Americans and French drew their siege lines closer and closer about his position, and on October 19, 1781, he surrendered his army of 7000 men.

Cornwallis's capitulation at Yorktown, like Burgoyne's at Saratoga, was humiliating, but not irretrievable. It need not have ended the war. In fact, neither the American commander nor the British monarch thought that it would. Washington began to lay his plans for an attack on New York or Charleston when the French fleet should return from the Indies for its next summer vacation on the American coast; and George III, in his speech from the throne on the opening of Parliament (November 27, 1781), talked confidently of continuing the struggle. Still the Whig motion to conclude peace with America and turn the whole power of Britain against the European coalition was lost only by the rather close vote of 179 to 220. A few weeks later, when the French had captured the island of St. Eustatius in the West Indies and the Spaniards and French had taken Minorca in the Mediterranean, the same motion was defeated by only a single voice in Parliament. On March 20, 1782, Lord North, after a valiant but reluctant struggle of twelve years to maintain the high Tory policy of George III, resigned the British government into the hands of the Marquis of Rockingham. Clinton was immediately recalled

from New York, and his place taken by Sir Guy Carleton, a friend of conciliation like the Howes. Emissaries were sent to both Vergennes and Franklin in Paris to sound them on terms of peace.

The British ministry tried hard—especially after the death of Rockingham, in July, 1782, brought to the premiership Lord Shelburne of the imperial school of Chatham—to arrange a peace without granting American independence. They were willing to give France concessions in India to detach her from the American alliance, and to grant the Americans everything that they had asked of Parliament since 1763. But it was in vain. Neither Vergennes nor Franklin, neither the American Congress nor any of the states, would agree to the terms. Even Holland, which had recognized us as a nation in April, 1782, and received our envoy John Adams as minister at The Hague, would not make a separate peace with England except on the basis of American independence. When the British government had finally conceded this main point, however, the American commissioners (Franklin, Adams, and Jay) were less scrupulous about carrying out to the letter another article of our treaty of 1778 with France. We had promised not to make peace until our ally should be ready, and the American Congress instructed our commissioners to respect this promise. But when it was evident that France was delaying the peace in order to get advantages for her ally Spain which did not concern us (Gibraltar and Florida), and which were entirely foreign to the avowed object of the treaty of 1778, our commissioners matched subtlety against subtlety in proceeding alone with the negotiations with Great Britain. It took a good deal of apologetic flattery from Franklin's suave pen to placate Vergennes; but the Americans had their way, and on November 30, 1782, the preliminaries of peace were signed at Paris.[1]

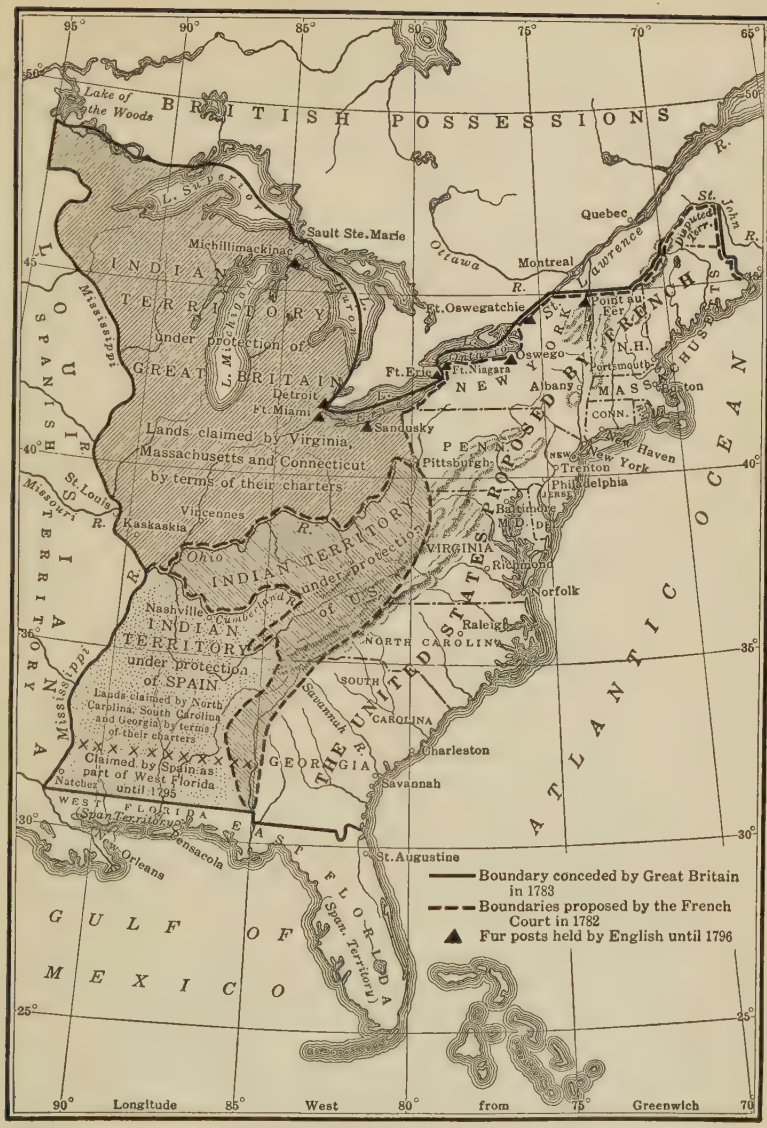
[1] The American commissioners have received much censure for breaking the letter of the treaty after all the aid that we had received from France; and it took considerable persuasion on the part of John Jay (besides the breaking of the famous clay pipe) to win Franklin over to the policy of a separate negotiation.

The wildest patriot enthusiast could not claim that we had "beaten" Great Britain. We had checked her raids in the interior of the states and contributed valuable strategic advice and brave troops to the French forces which had compelled Cornwallis to surrender at Yorktown. The indispensable naval contingent at Yorktown was entirely French, and a majority of the besieging troops under Washington's supreme command were also French. Yet the terms of peace which we obtained could not have been more favorable if we had humbled the British Empire to the dust. In addition to our independence, we secured the Mississippi as our western boundary,[1] the right to share in the fisheries of Newfoundland, and immunity from further responsibility toward the thousands of Loyalists whose property had been confiscated than a recommendation by Congress that the states should put no obstacle in the way of the recovery of such property through their courts.

The disproportionate success of our diplomacy and our arms was due to several causes: the astuteness and firmness of our commissioners at Paris, the bad situation of the British fleet in the West Indies before the news of the victory of Rodney

But it must also be said that the French were attempting to break the treaty in spirit by prolonging the war, to America's detriment, after the object of the treaty, the independence of America, was secured. Spain was not our ally but France's. We were not bound to jeopardize our fortunes for the sake of Spain's ambitions, and we had no part in the promises made by France to Spain.

[1] Some historians have attributed England's acceptance of the Mississippi rather than the Alleghenies as our western boundary to George Rogers Clark's wonderful conquest of the Northwest in 1778–1779. Certainly that feat deserved the winning of an empire. But there is little evidence that it affected the negotiations at Paris, nor does Clark's name even appear among the documents. The simple fact seems to be that England, having given up the colonies, had little interest in the wilderness behind them. The story of Clark's deeds—his embassy to Governor Patrick Henry to secure aid for the recovery of Virginia's chartered domain from the British and the removal of the Indian danger from the frontier settlements; his expedition down the Ohio and his surprise of the forts on the Mississippi (Kaskaskia and Cahokia) with only a handful of men; his masterful dominion over the Indians and the half-breeds; and finally his march of over two hundred and thirty miles in the dead of winter (February, 1779) across the southern end of Illinois and through the icy waters, neck deep, of the "drowned lands" of the Wabash valley, to surprise the British commander at Vincennes—is the most dramatic chapter of our Revolutionary history.



THE UNITED STATES BY THE TREATY OF 1783

over De Grasse in the spring of 1782 restored confidence in London, and the anxiety of the new Whig ministry to keep in power by a triumph over the European coalition against Great Britain. The Whigs indulged America to an extent that made England seem rather our ally against France than the common enemy of France and us. "The English do not make the peace, they buy it," cried Vergennes in amazement. A free America the French wished to see as one of the fragments of a dismembered Britain; a powerful America was no part of their plan. Vergennes tried to confine the new United States to a narrow strip of land between the Alleghenies and the sea (see map, p. 101). He tried to balance concessions for his ally Spain against America's demands for fishing-rights off Newfoundland. He urged the British government to insist on indemnification for the Tories. But it was all in vain. The stars in their courses fought for America; and the French were compelled to be even a greater help to us in the victory of peace than in the stress of war. Vergennes might have anticipated George Canning by forty years, and with greater truth have exclaimed (but more in regret than in exultation), "I called the new world into existence to redress the balance of the old."

On April 19, 1783, the eighth anniversary of the battle of Lexington, Washington read to his troops the proclamation of Congress ordering the cessation of hostilities; and the "embattled farmers" returned to their homes, often begging their bread on the way, to hang their rude weapons over the kitchen mantle as souvenirs for their prosperous grandchildren to show with pride and gratitude. The definitive treaty of peace was signed September 3, 1783, and a few weeks later Carleton sailed down the harbor of New York with the garrison which had occupied the city for seven years. Washington took an affectionate farewell of his officers at Fraunces' Tavern and embarked at the Battery for the Jersey shore. He stopped at Annapolis, Maryland, where about a score of the members of Congress were assembled. In a simple speech he laid down the command which he had borne with such skill and patience through eight years of trial; then he returned to his beloved

acres at Mount Vernon. "I have retired from all public employments," he wrote to his dear friend Lafayette, "and shall tread the paths of private life with heartfelt satisfaction. . . . I shall move gently down the stream of life until I sleep with my fathers."

So the second of the two unequal periods of our colonial history came to an end. From 1607 to 1763 we were slowly builded into the great British empire. In the score of years that followed (1763–1783) we threw off our allegiance to this empire, appealing from an England ill administered and inquisitorial to the ideals of the commonwealth heralded by Milton, Sidney, and Locke. This short period of our revolt against England has been celebrated as the birth of the American nation. But it is evident that the long century and a half of incubation under English rule must have affected our national character far more deeply than the comparatively brief hour of revolution. Even to this day our law, in the absence of any positive statute, is the common law of England; our government, local and general, our judicial procedure and administration, even our religious, philosophical, educational, and literary habits and models are still, in spite of influences exerted by an enormous immigration from the continent of Europe, predominantly English. Magna Carta and the Bill of Rights are the basis of American as well as of English liberties. Shakespeare, Newton, and Chatham are in a far more intimate way ours than are Goethe, Mirabeau, or Garibaldi. The Revolution was at bottom a civil struggle between two political ideals that had torn the English race since the days of Queen Elizabeth—prerogative against democracy, or the inherited right of a family, a caste, against the inherent right of the man and citizen. The success of the American cause was the vindication (as salutary for England as for us) of the more liberal ideal. It was the announcement, in the words of John Adams, "that a more equal liberty than has prevailed in other parts of the earth must be established in America." Our national history has been true to our national ideal and a blessing to the world so far, and only so far, as it has vindicated this prophecy.

CHAPTER III

FOUNDING THE NATIONAL GOVERNMENT

That which man changeth not for the better, time changeth for the worse.
—LORD BACON

THE CONFEDERATION

The United States of America, whose entrance into the family of nations was formally recognized by the treaty of 1783, contained a population of about three and a quarter millions, divided almost equally by Mason and Dixon's line.[1] Although the Mississippi was the western boundary of the country, all but a very small and venturesome fraction of the American people lived in the commercial towns along the Atlantic coast or on farm lands and plantations accessible by the rivers which cut the shore line at frequent intervals from the Penobscot to the Savannah. Behind the Appalachian ridge the forests of hickory, oak, and sycamore, which shaded the rich soil of the eastern Mississippi basin, were only just waking to other sounds than the bellowing of the buffalo bull and the scream of the wild turkey—to the ring of the frontiersman's ax on the edge of the clearing and the crack of his rifle bringing down the buck at the salt lick or the stealthy Indian at his cabin door. A few thousand men had followed Boone, Sevier, Robertson, and Harrod across the mountains into the wilderness, where clusters of huts marked the sites, but gave little promise of the growth, of the great cities of the West—

[1] The first census of the United States, taken in 1790, shows some interesting figures. Virginia leads the list of states, with a population (747,610) almost double that of her nearest rival, Pennsylvania (434,373). Then follow North Carolina (!) with 397,751, Massachusetts with 378,789, New York with 340,120, Maryland with 319,728, and South Carolina with 240,073. These first seven states of 1790 rank in the census of 1920 respectively: 20, 2, 14, 6, 1, 28, 26.

Pittsburgh, Cincinnati, Louisville, St. Louis, Nashville. Beyond the Mississippi Spain's title began, but the land was as strange as the fairy kingdoms in her tales. "Now and then," says McMaster, "some weather-beaten trapper came from it to the frontiers of the states with stories of great plains level as a floor, where the grass grew higher than the waist, where the flowers were more beautiful than the best-kept garden, where trees were never seen, and where the Indians still looked on the white man as a god." Florida too was Spanish, with the whole shore of the Gulf of Mexico. Great Britain arbitrarily held the important fur posts on the southern shores of the Great Lakes as pledges for the debts which American customers owed to her merchants. The new United States, then, was practically a strip seldom more than two hundred miles wide along the Atlantic border from Maine to Georgia. A generation was to pass, filled with struggles with England, France, and Spain for the security of our "natural borders" and the freedom of our trade, before Americans could turn with absorbing seriousness to the extension of their population, their capital, and their government into the great domain which they had acquired with their independence.

An overwhelming majority of the people were cultivators of the soil. They had the manners, morals, and social outlook of the farmer. Their needs were simple and self-supplied, their horizon narrow, their virtues homely, and their character robust. The refinements of life—art, letters, music, learning—were rare, as they are in every community whose surplus of leisure and wealth is small. Benjamin Franklin, to be sure, wrote at the founding of the American Philosophical Society in 1743, "The first drudgery of settling the new colonies is pretty well over, and there are many in every colony in circumstances which set them at ease to cultivate the finer arts and improve the common stock of knowledge." But these are the optimistic words of an exceptional scholar in exceptional surroundings of his own creation. The Revolutionary War stimulated industry, making imperative the casting of cannon, the manufacture of powder, the weaving of cloth for blankets,

uniforms, and sails, the construction of wagons and gun-carriages; but all this was forced and premature. Laborers were as yet too few and capital was too scanty (even when encouraged by bounties from the states) to exploit the wealth of raw material in field, mine, and forest on which our later prosperity was based. Consequently, there were no great and teeming industrial centers to draw our people apart to the poles of luxury and want. If wealth was modest it was also fairly evenly distributed. Our foreign visitors in the later years of the eighteenth century testify almost unanimously to the general diffusion of a modest well-being through the states.

Nor should the destitution of Washington's army at Valley Forge or the wailings of a poverty-stricken Congress mislead us as to the degree of that well-being. A rich country may refuse to support its government, as France did on the eve of its great revolution; and, conversely, a government may revel in wealth squeezed from its millions of poor subjects, as in a Turkey or a Persia. There never was a doubt in Washington's mind of the ability of the states to support an army many times the size of the one which he commanded. He complained over and over again of the lack of public spirit, of the jealousy of each state and each section of the country for its own safety and prosperity, of the greed of the farmers who sold their abundant crops to the British invader while the patriot army starved, of the absorption of the merchants in their unwonted profits from privateering, of the speculators who were "preying on the vitals of this great country." After the first few months of the war New England was virtually free from British molestation, as were the Middle States after 1778. The Carolinas were not seriously disturbed until the end of 1779, nor was Virginia until the beginning of 1781. This desultory character of the British attack gave ample chance for most of the sections of our seaboard to enjoy a flourishing commerce with the ports of Europe, to which Congress opened our harbors on the outbreak of hostilities. To be sure, British cruisers were lurking off the New England coast and Chesapeake Bay, but the Yankee skippers ran the "blockade" with daring and success.

Moreover, French and British gold was brought to America in such quantities as to swell the currency beyond anything known in the colonial period; and, with the new commerce, this created the beginnings of that merchant power in the North and planter aristocracy in the South whose influence in the new government was to be felt presently.

If we ask why the moderate but sufficient resources of our country were not put at the disposal of the general government during the war and the years immediately following, the answer is that the general government had neither the authority nor the respect to command those resources. The Continental Congress was not a sovereign body, but only a group of delegates sent from the colony-states as a central committee of safety, a kind of "steering committee" for the war. It did not enact laws, but only made recommendations which the states might enact into laws. It suggested military plans and requested contributions from the states for the support of the army and the maintenance of diplomatic agents. It even acted on the instruction of the colonies in introducing the Declaration of Independence. The war was virtually over before Congress had any legal standing or defined powers; that is, before it was formally made a "government" by the thirteen states (March 1, 1781).

Union is now an ideal as precious to us as its companion ideals in our political trinity—Liberty and Democracy. Consequently, it is a tempting theory to see in the Continental Congress what Professor Burgess has called "the first organization of the American state," and to attribute to it authority over the state governments, as Webster and Lincoln did. But the men of the Revolutionary era did not regard Congress in this light. When allegiance to Great Britain was severed, even though that action was proclaimed by Congress and not by the several states, it was nevertheless to the states and not to Congress that the new allegiance was thought to be due. James Madison, in 1782, declared that it was "extravagant" to maintain that "the rights of the British crown devolved on the Continental Congress." The states exercised various acts of sovereignty

during the war and for some time after. They coined money and issued bills of credit; they built navies and raised armies; they sought to negotiate loans with foreign powers; they consulted Congress as a kind of advisory board only and rejected its recommendations without any thought of "rebellion." When New Hampshire refused to let her militia serve outside her borders, when Connecticut designated herself "a free and independent state," when Virginia ratified the treaty of 1778 with France and discussed with Spain the desirability of their providing for a joint protection of their trade by the establishment of a fort on the Virginia border, when South Carolina explicitly conferred on her government the right to make war and negotiate treaties, when all the states levied tariffs, laid embargoes, paid or refused to pay their assessments by Congress at will, it is evident that there was no "national state" but only thirteen states with a common "diplomatic body" at Philadelphia, and that "Union meant for the time being only a prudent intercolonial coöperation."[1]

But if there was no national state during the Revolutionary period, there was nevertheless an American nationality. The political machinery lagged behind the conscious unity of purpose. A common language and law, a common republican form of government, a common grievance—all tended toward a formal union. The protest against the Stamp Act, the sympathy for Massachusetts under the Intolerable Acts, the petitions and apologies sent to the king and Parliament, the Declaration of Independence, were all the work of united, not separate, colonies. When Patrick Henry exclaimed in the first Continental Congress, "I am not a Virginian, I am an American!" and when John Adams said in 1778, "The Confederacy is to make us one individual only," they were speaking under the spell of the new nationality. A few men from the beginning saw the promise of a new national state to emerge from the common

[1] The phrase is Professor Van Tyne's in "The American Revolution" (American Nation Series), p. 182. It was John Adams who called the Continental Congress a "diplomatic body." Thomas Jefferson, in his "Summary View" (1774), called the Congress about to assemble the king's "great American Council."

struggle and the common aim, but it took the bitter experience of years of confusion, impotence, and anarchy under the old Confederation, after the war was over, to convince even a moderate majority of the voters of the United States of the desirability of a real national state.

Various suggestions of colonial union had been made in the seventeenth and eighteenth centuries, with the primary purpose of defense against the Indians and the French. The British government, however, had frowned upon such plans, seeing in them a danger to the authority of the royal governors. Immediately after the Revolutionary War broke out, and a year before independence was declared, Benjamin Franklin proposed to Congress a plan of intercolonial union, not unlike his Albany Plan of 1754, except, of course, that the executive power was not to be vested in an English governor-general. The Colonies were to form a "league of friendship for the common defense and general welfare." They were to elect annually a congress which was to have authority to declare and conduct war, to make appointments to all general offices, to settle disputes between the colonies, to regulate commerce and the currency. It was just at the moment when the colonies were being transformed into states, and they were not ready to commit themselves to it. Franklin did not urge the plan further.

However, the necessity for some kind of legal authority in the central government grew as the war progressed. When Lord North sought to conciliate the colonies separately in the spring of 1775, Jefferson, in behalf of the Virginia assembly, addressed Governor Dunmore as follows: "We are now represented in a general Congress by members approved by the House, where the former union [of 1774] it is hoped will be so strongly cemented, that no partial application can produce the slightest departure from the common cause. We consider ourselves as bound in honor as well as interest to share one general fate with our sister Colonies, and we should hold ourselves to be base deserters of that union to which we have acceded, were we to agree to any measures distinct and separate from them." John Adams confessed a little later that the states could not exist

alone, but must "raise an empire of permanent duration." The words "union" and "empire" are doubtless used in a very general sense in these passages; they do not necessarily imply either an elaborate constitution or a highly centralized authority. But they do show how necessary some sort of central authority was in the eyes of leading statesmen. Certainly, after the war as well as during the war, nobody expected or wished to see the "general government" disappear. It was only a question of what share of power should be given to it and what share retained by the states. In other words, it was the old problem of reconciling local, inherited, and jealously guarded power with a new and delegated authority whose scope could not easily be forecast.

The proposal for union was revived with the agitation for independence. Lee's famous motion of June 7, 1776, not only declared that "these colonies are, and of right ought to be, free and independent states" but also proposed that a Confederation be formed "to bind the colonies more closely together." A committee of thirteen (one from each of the colonies) was chosen to draft articles of union. The committee was too large, and except for a few men (Dickinson, Sherman, Samuel Adams, Rutledge) it was far inferior to the contemporaneous committee of five elected to prepare the Declaration of Independence. The strenuous business of keeping the army together for the first two years of the war prevented Congress from giving very serious consideration to the articles drafted by Dickinson. "They were debated from time to time," says Jefferson in his "Autobiography." On November 17, 1777, Congress, taking advantage of the enthusiasm of the country over Burgoyne's surrender, submitted the Articles of Confederation to the states for ratification. A translation into French was made in order to help win the alliance for which we had been striving since the beginning of the war. Ten of the states had ratified the Articles by the midsummer of 1778, New Jersey and Delaware following within a few months. But Maryland, for reasons which we shall notice presently, withheld her consent until March 1, 1781. Since the consent of all the states was

necessary to put the Articles into operation, we had no general government based on a written constitution until thirty-three weeks before the surrender of Cornwallis at Yorktown.

It is customary for historians to dwell on the weakness of the Articles of Confederation: the absence of any national executive to act directly on the people of the states, the failure to secure to Congress the taxing-power and the regulation of commerce, the lack of a permanent national judiciary extending to all parts of the country, the impossibility of commanding the respect of the countries abroad when disobedience and defiance marked the conduct of the states at home. The decade of anarchy and impotence in the national government which elapsed between the drafting of the Articles and the summons of the Constitutional Convention only too amply illustrated those faults. But for all that, the Articles were a very decided step toward unity. The Confederation which they established, despite its defects, was the closest and most uniform that the world had ever seen. Many of the provisions of the Articles were taken over bodily into the Constitution of the United States. Those which were most constructive were the pledge of a common defense (Art. III); the complete exchange of privileges and immunities between the free inhabitants of all the states (Art. IV); the restrictions on the sovereignty of the states, requiring the consent of Congress for alliances, limiting armaments, and prohibiting legislation in conflict with the treaties made by Congress (Art. VI); the grant of definite and very considerable powers to Congress, such as the declaration of war, the borrowing of money, the settlement of interstate disputes, the regulation of currency and of weights and measures, the administration of Indian affairs and the post office, etc. (Art. IX); the assumption of all obligations for paper money issued and of all debts contracted by the Continental Congress. So formidable, in fact, did these powers seem to the statesmen of the time that they feared that the states would be swallowed up in the national government. "If the plan now proposed should be adopted," wrote Edward Rutledge of South Carolina, "nothing less than the ruin of some of the

colonies will be the consequence. . . . I am resolved to vest the Congress with no more power than is absolutely necessary, and, to use a familiar expression, to keep the staff in our own hands." Governor Cooke of Rhode Island, for fear the state should be considered to have surrendered any of its sovereignty, significantly called the Articles "the Treaty of the Confederation." With such sentiments abroad, the wonder is that the Articles, even with their concession of an equal vote to each state, of the immunity of commerce from the central control, and of requisitions on the states in place of taxation for raising national funds,[1] were ratified at all.

Only eight years after their adoption the Articles of Confederation were superseded by the Constitution of the United States. From the point of view of constitutional history, therefore, their importance is slight. How much their very existence contributed, however, to the peaceful evolution of the Constitution, which reconciled the clashing interests of the states instead of "leaving their correction to insurrection and civil war," we cannot tell. One supreme service the Articles did for the cause of the Union: they secured the immense tract of land between the Alleghenies and the Mississippi as a national domain. As the chief factor in the consolidation of our federal government, from New York's cession of her Western claims to Congress in 1780 down to Panama's cession of the canal strip in 1904, has been the extension of the national authority over our new territories or colonies, it is worth while to dwell briefly on the origin of our national domain.

The charters of the colonies of Virginia, Massachusetts, Connecticut, Carolina, and Georgia granted them indefinite westward extension, in profound ignorance of the width of the

[1] The reader will note that the struggle between the advocates of a central government and the champions of states' rights was a repetition of the struggle between the colonists and the British government which led to the Revolution. In the eyes of the states-rights men like Rutledge, Patrick Henry, Mason, and Gerry, the whole process of centralization in our government, which ended in the Constitution and the ten-year rule of the Federalist party, was a work of "imperial organization" quite parallel to that pursued by the ministers of George III from Grenville to Lord North.

American continent. The other colonies were less fortunate. Either their western boundary was specified in their charter (Pennsylvania, Maryland) or they were backed against another colony to the west (Rhode Island, New Jersey, Delaware). After the middle of the eighteenth century the British government sought to silence these claims of the "sea to sea" charters of the Stuart period. The Board of Trade prompted the delegates to the Albany Congress of 1754 to propose that "the bounds of those colonies which extend to the South Sea be contracted and limited by the Alleghany or Appalachian mountains"; and Benjamin Franklin admitted that those colonies ought to be reduced "to dimensions more convenient for the common purposes of government." Immediately on the close of the French wars, King George by royal proclamation forbade the colonists to extend their settlements beyond the ridge of the Alleghenies (October 7, 1763). The proclamation was not obeyed, for the adventurous frontiersmen of the back country of Virginia and the Carolinas were little minded to abandon the fine hunting-grounds of the West to the Indians. Before a decade had elapsed Daniel Boone and James Robertson were piloting their bands through the rich lands south of the Ohio. All the Western territory north of the Ohio, in which Virginia, New York, Massachusetts, and Connecticut had claims, was incorporated into the province of Quebec by an act of Parliament (1774) which was denounced by the first Continental Congress as "impolitic, unjust, and cruel, as well as unconstitutional and most dangerous and destructive of American rights."

The Revolutionary War wiped out the Proclamation Line of 1763 and the Quebec Act of 1774, but left the vexing question of who inherited the extinguished British sovereignty between the Alleghenies and the Mississippi. Did that authority revert to the states by their old "sea to sea" charters? If so, Virginia would become half a continent, with lands and wealth ample to pay her war debts, whereas the states without westward extension would have to resort to heavy taxation. It seemed unfair, when the cause for which they had fought the

war was a common cause. Yet Congress had to insist on the charter claims when dealing with England, because to relinquish them would be to acknowledge England's right to dispose of the back lands in the peace negotiations. On the other hand, to say, after the peace was made, that the authority of England in the West devolved upon the Congress would give to that body a power that very few men in America were ready to accord at that time.

The debates in Congress on this dilemma were lively. Chase of Maryland said: "No colony has a right to go to the South Sea: . . . It would not be safe for the rest." But the Virginia delegates replied: "What security have we that Congress will not curtail the present settlements of the States? . . . Virginia owns to the South Sea; you shall not pare away the colony [*sic!*] of Virginia. . . . A right does not cease to be a right because it is large." A motion in Congress in October, 1777, giving that body the right to fix the western boundaries of the states and to form new states from time to time out of the land beyond—an act important as the first suggestion of the control of Congress over the territories—got the affirmative vote of Maryland alone. In December, 1778, the Maryland delegates in Congress were instructed not to ratify the Articles of Confederation until the obnoxious clause in Article IX, "No state shall be deprived of territory for the benefit of the United States," should be repealed.

There was but one way to break the deadlock between the landed and the landless states, and that was for the former voluntarily to surrender their Western claims. New York, whose claims were based not on charter rights but on numerous treaties with the Iroquois Indians concluded between 1684 and 1752, led the way by an act of her legislature in February, 1780. Within the next decade all the states with Western claims had followed except Georgia, whose final action was delayed (on account of Indian dangers) until 1802. On the day of the execution of New York's deed of cession in Congress (March 1, 1781) Maryland signed the Articles of Confederation.

95°
90°
85°
80°
75°
70°
50°
45°
40°
35°
30°
25°
BRITISH POSSESSIONS
L. Superior
L. Michigan
L. Huron
L. Erie
L. Ontario
St. Lawrence R.
Mississippi R.
CEDED BY
NORTHWEST
TERRITORY
Ceded by Massachusetts 1785
Ceded by Conn. 1786
VIRGINIA
1748
Ceded by VIRGINIA
KENTUCKY (1792)
Virginia 1792
TENNESSEE (1796)
Ceded by North Carolina 1796
Ceded by South Carolina 1787
Ceded by Georgia 1802
Claimed by Spain till 1795
LOUISIANA
(Spanish Territory)
WEST FLORIDA
Spanish Territory
EAST FLORIDA
Claimed by Mass. till 1785
VERMONT
Claimed by N.Y. till 1790
NEW HAMP.
MASS.
Boston
CONN.
NEW YORK
New York
PENNSYLVANIA
Pittsburgh
Philadelphia
NEW JERSEY
MARYLAND
Baltimore
DEL.
NORTH CAROLINA
SOUTH CAROLINA
Wilmington
Charleston
GEORGIA
Savannah
St. Augustine
New Orleans
GULF OF MEXICO
ATLANTIC OCEAN
SURRENDER OF
WESTERN CLAIMS
BY THE STATES
1780-1802
SCALE OF MILES
0 100 200 300

Though Maryland deserves gratitude for insisting on this great principle of equity among the states, the chief credit for the transaction must be given to Virginia. Her claim alone was well founded. If the Stuart charters were to be pleaded, hers was the oldest, and in its form of 1609 was inclusive of the territory claimed by all the states north of her. If the charters were to be disregarded, Virginia could point to her splendid conquest of the Northwest during the Revolution. Moreover, the attitude of the authorities of Virginia was reasonable and conciliatory. No language could be nobler than Jefferson's in his proposal to the convention of Pennsylvania for the adjustment of a disputed boundary west of Fort Pitt (July, 1776): "We can assure you that the colony of Virginia does not entertain a wish that one inch should be added to theirs from the territory of a sister colony, and we have perfect confidence that the same just sentiment prevails in your House. . . . The decision, whatever it be, will not annihilate the lands. They will remain to be occupied by Americans, and whether these be counted in the number of this or that of the United States will be thought a matter of little moment." And in transmitting to Congress the resolution of January 2, 1781, by which Virginia agreed to cede its lands in the Northwest on condition that all the states accept the Articles, Jefferson, then governor of the state, wrote, "I shall be rendered very happy if the other states of the Union, equally impressed with the necessity of that important Convention [the Articles], shall be willing to sacrifice equally to its completion." After language and example of this sort the other states could hardly with decency refuse to surrender their shadowy claims.

March 1, 1781, deserves to rank with April 19, 1775, July 4, 1776, and April 30, 1789, among the birthdays of the American nation. The first blow struck in arms for liberty, the declaration of our independence, the inauguration of our first president, are events which have received their full measure of attention from historians. But none of these events was fraught with more importance than the signature of Maryland delegates to the Articles of Confederation and the acceptance by

Congress of New York's cession of Western land claims. By the first of these events the United States found itself for the first time a legally constituted government with its powers set down in black on white, its "perpetual union and league of friendship" witnessed by the hands of delegates from each of the thirteen states. By the second the United States was invested with the beginnings of a national domain, destined to extend to the Pacific, whose stewardship was to prove the greatest source of our national wealth and whose governance was to invite the chief enlargement of our federal power.

Anarchy Imminent

In the same year that the Articles of Confederation were adopted, Josiah Tucker, Dean of Gloucester, an acrimonious but observant critic of American affairs, wrote to Louis XVI's famous finance minister Necker in the following terms: "As to the future Grandeur of America and its being a rising Empire under one head, whether Republican or Monarchical, it is one of the idlest and most visionary Notions that was ever conceived by the writers of Romance. For there is nothing in the Genius of the People, the Situation of their Country, or the nature of their different Climates which tends to countenance such a Supposition. On the contrary, every Prognostic that can be formed from a Contemplation of their mutual Antipathies and clashing Interests, their Difference of Governments, Habitudes, and Manners, plainly indicates that the Americans will have no Center of Union among them, and no common Interest to pursue, when the Power and Government of England are finally removed."

This dismal prophecy came dangerously near fulfillment in the six or seven years succeeding the surrender at Yorktown. Serious financial, economic, and diplomatic problems, some caused by the war and some by the cessation of the war, called for a firm government just at the time when the mutual jealousies and tenacious local attachments of the states prevented them from entering into a more effective union than that of the

"Treaty of the Confederation." It took the bitter experience of humiliation abroad and anarchy at home, of poverty, demoralization, and even threatened dissolution of the Confederation, to bring the states to a reluctant consent to the establishment of a real federal government. Some of the leaders were despondent in 1786–1787. John Marshall wrote, "They have truth on their side who say that mankind is incapable of governing himself." John Jay confided to Washington that he was more fearful of the American cause than at any time during the war. And Washington replied to Jay: "Your sentiment that our affairs are drawing rapidly to a crisis accords with my own. What the event will be is also beyond the reach of my foresight. We have errors to correct. We have probably had too good an opinion of human nature in forming our confederation. Experience has taught us that men will not adopt and carry into execution measures best calculated for their own good, without the intervention of a coercive power. I do not conceive that we can exist long as a nation without having lodged somewhere a power which will pervade the whole Union in as energetic a manner as the authority of the state governments extends over the several states."

So long as the war lasted the inadequacy of the loose league of the states was not wholly apparent. There was actually a firmer union during the hostilities, without the Articles, than there was with them after peace came. For several considerations urged the states to hold together and show some respect for their central steering committee of Congress. They were waging war as a confederation and not as single states; they needed to present a united front against Great Britain; they could expect aid from France and Holland only as a nation, and only as a nation could they secure the recognition of their independence. Moreover, each state, under the apprehension of invasion, found comfort in the possibility of an appeal to the continental army to supplement its militia. But when the war was over and independence won, it seemed to many that the union had accomplished its purpose. The "general government" might remain, to be sure, to carry out the will of the states in those matters on which it was desirable to act in

unison,—foreign war, diplomacy, interstate controversies, the disposition of national territory, and the like,—but in all these things it should still be the servant and agent of the states. It could not levy taxes or control commerce or compel a state to pay its quota for the general expenses, for it had no executive or judicial organs for enforcing its laws. It was, as Gouverneur Morris said, "a government by supplication." Being poor and subservient at home, it naturally could not speak with authority abroad. When Rhode Island defied Congress, Great Britain could hardly be expected to respect that body.

Yet it would be hard to find a period in our history when a strong, efficient government was more needed than at the close of the Revolutionary War. Our debt, foreign and domestic, amounted to $43,000,000, of which nearly $8,000,000 had been borrowed in Europe.[1] The interest on this debt could be paid only by a vigorous system of taxation. The people of the United States were, as Robert Morris wrote to Franklin, "undoubtedly able to pay." They were spending freely at the close of the war. "Extravagant luxury," "insatiable thirst for riches," "speculation and peculation," "an alarming spirit of venality," are some of the phrases which sober men like Washington, Franklin, and Adams used to characterize the age. Pelatiah Webster, a distinguished political essayist of the time, wrote, "Tho' the public treasury was so distressed, yet the states were really overrun with an abundance of cash: the French and English armies, our foreign loans, Havannah trade, etc. had filled the country with money." The control of this money, however, the states determined to keep in their own hands. By a false and foolish analogy they extended their hatred of general taxation to their own central government, declaring against the "tyranny" of "King Congress" as fervently as they had against that of King George. They had fought the war to escape taxation by any power except that of their own legislatures. Let Congress "ask" for the money, and the legislatures would grant it.

[1] During the war France had lent us $6,500,000; Holland, $1,300,000; and Spain, $200,000. After the war the Dutch lent us $2,000,000 more. About one fifth of what we borrowed abroad was used to pay the interest on our domestic debt.

The way in which the states honored the request of Congress for money must have made persons whose memory reached back twenty years somewhat lenient in their judgment of Great Britain's refusal to rely on requisitions from the colonies instead of taxation. During the entire period of the Confederation, Congress got only $6,000,000 of the $16,000,000 assessed on the states. In the two years after the surrender at Yorktown, Congress asked for $10,000,000. By June, 1784, $1,486,511 had been paid in. New Hampshire paid $3000 of her quota of $450,000; Massachusetts, $247,000 of her $1,600,000; New York, $39,000 of her $465,000; Virginia, $115,000 of her $1,590,000; and so on down the line. Delaware, North Carolina, and Georgia paid absolutely nothing. No state except South Carolina paid more than 25 per cent of its assessment. The result was more borrowing and a piling up of the interest charges until they came to overbalance the total receipts. The arrears of interest on the domestic debt grew from $3,000,000 to $11,000,000 in the five years preceding Washington's inauguration. Robert Morris, the superintendent of the finances, resigned because it did not consist with his ideas of integrity "to increase our debts while the prospect of paying them diminished."

From this intolerable situation Congress sought relief in vain. In February, 1781, it asked for the power to levy an import duty of 5 per cent solely for the purpose of paying the interest and principal of debts contracted on the faith of the United States. But Rhode Island refused her consent, and Virginia, after granting it, withdrew it on the ground that her sovereignty would be impaired and her liberty endangered. Again, in April, 1783, Congress asked the right to levy a small import duty for a period of twenty-five years; but after a delay of three years, only nine states had been persuaded to a grudging consent. Governor Clinton of New York, when finally the consent of his state alone was needed to put the duty into effect, refused to call the legislature, on the ground that he had power to do so only on "extraordinary occasions." Apparently the impending bankruptcy of the United States was not an

extraordinary affair! Robert Morris declared that exhorting the states to tax their inhabitants for the support of the Union was like "preaching to the dead."

To add to the distress of the Treasury, there was dire confusion in the currency. When the war broke out, Congress, having no money and no source of income, had to resort to borrowing. The colonies, being largely agricultural communities, had little accumulated capital to lend, while the interruption of our commerce with the British ports deprived the farmers of the currency with which to pay their taxes. Foreign loans could be expected only when there was good promise of the success of the American cause. Congress, therefore, had to resort to forced loans in the shape of issues of paper money. Unsecured paper money is like a poison in the currency system of a state. If the dose is small and the financial health of the country is vigorous, the harm is not great—the poison is absorbed. But as the dose becomes larger and the health of the country weaker, disastrous results follow. The value of the paper falls with a rapidity proportional to the waning confidence of the people in the ability of the government to redeem it in gold and silver. The government then tries to recoup its loss by new issues of paper—or to cure the evil by increasing it. So, beginning with a modest issue of $2,000,000 in 1776, Congress had multiplied the continental paper currency a hundredfold by the autumn of 1779. Twenty dollars in paper were required to pay for merchandise which one dollar of silver would buy. A hat cost $40, a barrel of flour $150. A year later the paper had sunk to one fortieth of its nominal value in silver; and still another year and a half later, shortly after the adoption of the Articles of Confederation, the continental paper ceased to be used as currency, but was bought and sold by speculators at prices ranging all the way from a mill to a quarter of a cent on a dollar (May 30, 1781).

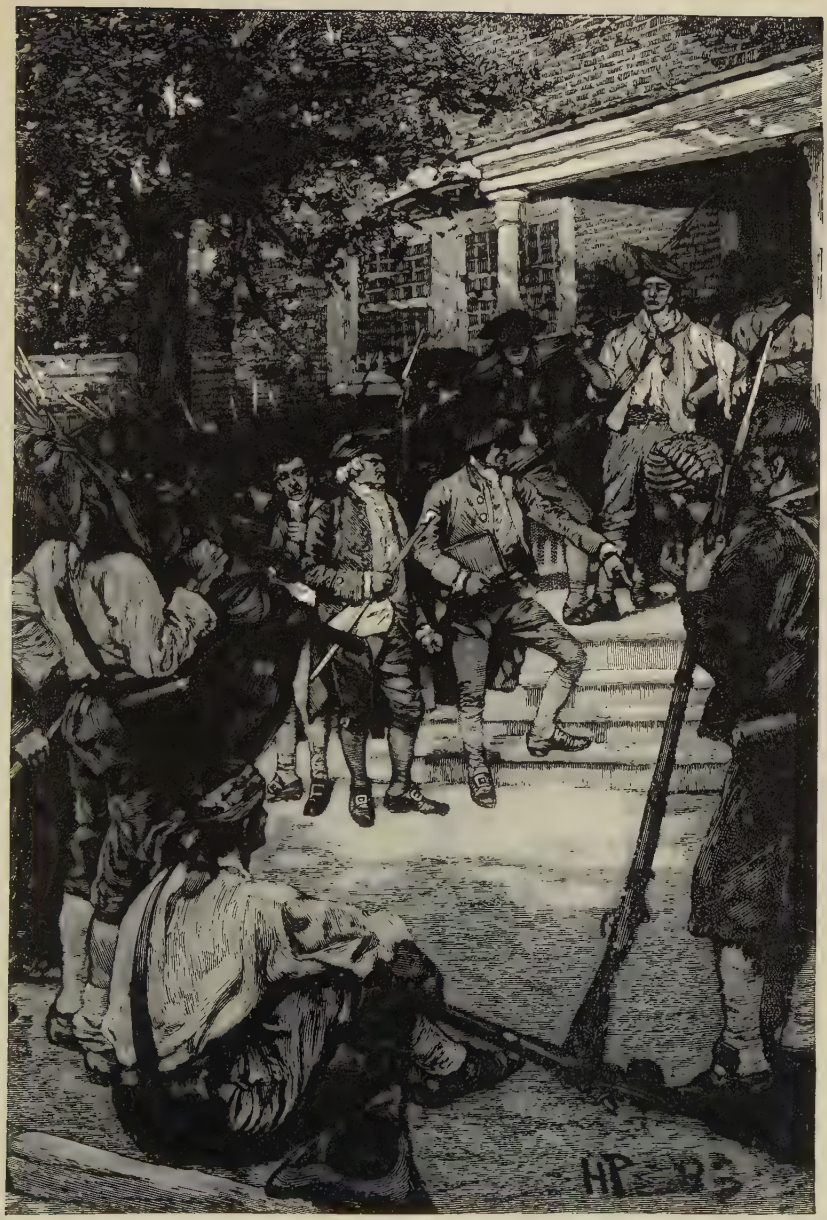
While the Continental Congress was learning the truth of Thomas Paine's remark that "money is money and paper is paper, and all the inventions of man cannot make it otherwise,"

while it saw its "fiat" dollars becoming so cheap that a barber papered his shop with them and a wag feathered his tarred dog with them, the British and French soldiers and the new trade with the French and Spanish Indies were bringing coin into the country in amounts to encourage extravagance. But when the war was over, our specie began to be drained away with startling rapidity. The balance of trade ran strongly against us. For the year 1784 our imports from Great Britain amounted to $18,500,000, a figure swollen somewhat by England's determination to glut the American market and destroy the manufactures which had been begun during the war. Our exports to British ports in the same year were only $3,750,000. The war had turned us from colonies of Great Britain into a foreign nation, and therewith the Navigation Acts automatically excluded us from a trade with the British which, though hampered by exasperating regulations, had nevertheless been highly profitable to us before the Revolution. To be sure, as an independent nation we were now free to make such commercial treaties as we pleased with foreign powers, to secure our share of the trade of the world. But the lack of authority in Congress to regulate our commerce by uniform restrictions on the states stood in the way of such treaties. As for getting better terms with England, we were in the position of suppliants who had but yesterday been rebels. John Adams, presented as our first minister at the court of St. James, in May, 1785, endeavored in several interviews with Lord Carmarthen and William Pitt to secure some privileges for American trade in the British Empire. But the ministry assumed the attitude of *beati possidentes*. They already had the lion's share of America's patronage, and saw no need of raising up a rival to their export trade across the Atlantic by opening the West Indian ports to American vessels. With Congress unable to force the states to adopt a general navigation act, Great Britain had nothing to fear in the way of retaliation or reprisals from America. Pitt smiled urbanely while Adams pleaded. And Adams, consumed with chagrin, wrote to Jefferson (who was having his own difficulties

in Paris, trying to get our wheat, tobacco, and whale oil admitted to the French ports), "In short, sir, I am likely to be as insignificant here as you can imagine."

So the drain of specie continued. The bark *Mary Brainard*, sailing from Boston in the autumn of 1786, carried back to London nearly $50,000 in Spanish, French, and British coins, while the farmers in the western counties of Massachusetts were toiling to scrape together a few silver pieces to pay their taxes and to still the demands of private creditors who were filling the courts with suits against them. The precious metals were going out of the country to buy luxuries and "British gewgaws." The "embattled farmers," who had left their plows to take their rifles, had a fine reward for their years of sacrifice: suffering, hunger, and rags in the service; a discharge without a farthing in their pockets; a return to acres burdened with debt, with eviction or imprisonment threatening, and the taxgatherer abroad in the land. The usurer reaped his accustomed harvest of plunder from the poor. When the farmer received continental loan certificates for his services in war or his produce in peace, he was obliged to part with them at a discount for ready cash, and speculators accumulated for trifling sums the paper obligations which the government redeemed a few years later at their full face value.

Everywhere, naturally, in this stress of poverty the debtor class demanded the issue of paper money by the state to replace the specie which was being drained out of the country. In Rhode Island the paper-money men got control of the legislature and paralyzed business by forcing the creditor to accept the depreciated scrip at its face value. In Massachusetts, where the hard-money men kept control of the government, the debtors of the western counties rose in revolt under Captain Daniel Shays, forcibly closed the courts at Concord and Worcester, attacked the arsenal at Springfield, and kept the state in terror for five months, until dispersed by the militia in a pitched battle at Petersham (February, 1787). Add to such scenes as these the vain appeals of Congress for authority to raise a revenue by import duties or to control commerce by a navigation act,



SHAY'S MOB IN POSSESSION OF A COURTHOUSE

the selfish disregard of each state for the economic welfare of its neighbors,[1] tariff wars and boundary disputes between the states,[2] the refusal of the states to pay their assessed quotas for the support of the general government,[3] and it is little wonder that the United States under the Confederation, without an executive department, without an army or navy, without money, credit, or authority, failed to win the respect even of the semi-barbarous states of Morocco and Tripoli.

Important diplomatic questions were pending in the years immediately following the war, which needed the backing of a strong and united government. We did not yet enjoy that splendid isolation from European entanglements which Washington counseled in his "Farewell Address" of 1796, and which became a fact at the close of our second war with England, in 1815. Aside from our money obligations to France, Holland, and Spain, we were involved in the commercial and political rivalries of the Old World. Our entry into the family of nations had been a European event. The Declaration of Independence was an apology for our behavior, submitted to a "candid world." One of the earliest committees of the Continental Congress was appointed for the purpose of seeking European alliances and loans. The treaty of peace of 1783 made a web of European complications and left us difficult problems to settle, especially with Great Britain and Spain, our vexatious neighbors on the north, west, and south.

The British claimed indemnification for the Tories whose property had been confiscated, and full payment of the debts

[1] In a debate in the Virginia assembly in 1786, on the proposition to give Congress the control of foreign trade, Charles Thurston said that it was "very doubtful whether it would not be better to encourage the British rather than the eastern (New England, New York, Philadelphia) marine."

[2] New York taxed firewood from Connecticut and farm truck from New Jersey landing at its docks. New Jersey replied with a tax on a lighthouse which New York had built on Jersey soil (Sandy Hook), and the Connecticut farmers formed a nonexportation association to starve New York into brotherly conduct.

[3] In February, 1786, the legislature of New Jersey complained that her quota was too high ($166,000) and refused to pay. A committee of Congress visited Trenton and implored the state not to fail the Union in so critical a time. The legislature rescinded the vote,—but waited five months before paying the money.

due to British merchants, with the interest accrued during the war. For security they held on to several rich fur-trading posts along the southern shores of the Great Lakes in territory ceded to the United States by the treaty of 1783 (see map, p. 101). We put in the counterclaim of the theft of negro slaves after the war and the seizure by British cruisers of a large part of the very merchandise for which the British merchants were asking payment. We demanded the evacuation of the fur posts. The letters of all our public men who dealt with the British government in these critical years are filled with complaints of the animosity of the ministry, the Parliament, and the press against the new republic. Benjamin Franklin, writing from Paris to the president of Congress on Christmas Day, 1783, says of the British court: "We should, I think, be constantly on our guard and impress strongly on our minds that, though it has made peace with us, it is not in truth reconciled either to us or to its loss of us. . . . It is easy to see by the general tone of the ministerial newspapers and by the malignant improvement their ministers make in all the foreign courts of every little accident or dissension among us, . . . all which are exaggerated to represent our governments as so many anarchies of which the people themselves are weary, . . . that they bear us no good will, and that they wish the reality of what they are pleased to imagine."[1] For eight years after the treaty of peace the British government refused to send a minister to the United States, Lord Carmarthen hinting to Adams with malicious sarcasm that thirteen ministers would be necessary for diplomatic business with America.

With Spain we were engaged in a diplomatic struggle perhaps the most important in our history, for it brought the first test of the fidelity of the sections of our country to the Union and put in jeopardy the allegiance of the vast region between the Alleghenies and the Mississippi. The flag of Spain has now disappeared from both the continents and the islands of the Western world, and we find it difficult to realize how vast was

[1] For confirmation of this feeling see Jefferson's letter from Paris to John Page, May 4, 1786 (P. L. Ford, "Writings of Thomas Jefferson," Vol. IV, p. 214).

her colonial empire on these shores at the close of the American Revolution. The Gulf of Mexico was then a Spanish lake: every mile of its shore from the tip of Florida to the tip of Yucatan was under Spain's flag. Holding the mouth of the Mississippi, she controlled the commerce of the great river basin. All the country west of the Mississippi to the Pacific coast was acknowledged Spanish domain by the treaty of 1763. Spain had hesitatingly joined France in the war against England in 1779 solely for the purpose of recovering Gibraltar, Minorca, and Florida, which she had been forced to give to England in the Treaties of Utrecht (1713) and Paris (1763). Spain did not, like France, become an ally of the United States. She had no sympathy with revolting colonies in America, and she did not acknowledge our independence until England had conceded it. She opposed our negotiations for peace in 1782, because she had not yet got her coveted spoils of war. When the peace was concluded she refused to agree to the eighth article, which declared that the navigation of the Mississippi should be free to both nations. She was determined to keep the new United States from becoming a strong rival power in America. It was her ambassador in Paris, Count Aranda, who proposed to Vergennes the plan of hemming in the new nation between the Alleghenies and the sea, leaving the back country as Indian territory. When that plan failed and the American pioneers swarmed across the mountains to the fertile valleys of the Ohio, the Cumberland, and the Tennessee, Spain sealed up the mouth of the great trunk river to their commerce.[1]

These pioneers were a hardy race of men, who, in their own language in a memorial to Congress, had "inherited the highest and most extensive ideas of liberty." The lure of adventure, the appeal of the virgin soil, the chance of escape from the taxgatherer and the inquisitive lawyer, were potent motives for

[1] Spain's resentment against the United States was heightened, but the situation was not materially changed, by the discovery in 1784 of a secret clause in the treaty between England and the United States, according to which we were to accept the parallel of 32° 30′ as our southern boundary from the Mississippi to the Chattahoochee in case England retained Florida, but should come down to 31° if Florida should be restored to Spain—as it was in fact (see map, p. 101).

migration. The pioneers, like the early settlers of Plymouth and the Connecticut valley, carried with them a simple political philosophy. The land was God's earth, and whoever wished might settle where he would. There were no distinctions of birth or wealth in the little clearing "edged by the primeval forest." The men formed associations to punish thieving, restrain lawlessness, and guard their settlements from becoming "asylums for fugitives from justice and their just debts." They organized themselves into military companies, the Kentuckians offering "a respectable body of prime riflemen" to aid George Rogers Clark in his campaign of 1778. The existence of these pioneer settlements was one of the chief factors in the surrender to Congress of the Western land claims of the states and the creation of that national domain which, as we have seen, was one of the greatest sources of strength and authority to the Union.

The Western settlers naturally wanted the free use of the Mississippi. As early as 1780 they prayed Congress that "the trade on the western waters" might be opened for their relief; and John Jay, the Secretary of Congress, was soon afterward laboring in Madrid to secure this boon. But the Spanish minister Florida-Blanca told Jay that his master the king regarded the exclusion of all foreigners from the Mississippi as far more important even than the recovery of Gibraltar. Jay left Madrid in 1782 to take part in the peace negotiations at Paris, but on the arrival at Philadelphia of Gardoqui, the first Spanish minister to the United States, Jay, then Secretary for Foreign Affairs, resumed the diplomatic negotiations. The Eastern states wanted a commercial treaty with Spain which should admit their lumber, wheat, whale oil, fish, indigo, and naval stores into the Spanish ports, bringing in return much needed specie into the United States. Such a treaty would also influence France, Portugal, and the Mediterranean powers to make favorable terms for our shipping. As an offset to these advantages the right of a few thousand back countrymen to carry their hogs and tobacco to the Spanish ports on the lower Mississippi and the Gulf of Mexico seemed trifling. Why

should the settlement of the West be encouraged anyway? It only drained off men needed for the industries at home and brought the new clearings into competition with the unoccupied areas in the old states, making labor dearer and land cheaper. The Southern states, with larger patriotic vision, supported the claims of the Western settlers and warned Congress that if it abandoned them to the pitiless Spanish policy of exclusion they might throw off their allegiance. Spanish agents were already busy sowing gold and discontent among the settlers—and gold looked attractive to men who were reduced to paying their taxes in grain, skins, and whisky.

Jay, after endless haggling with Gardoqui, negotiated a compromise treaty in 1785, by which Spain was to make certain concessions to our Atlantic trade, but to keep the Mississippi closed to American boats for twenty-five years. The new West was in an uproar. An American trader's goods were confiscated at Natchez, and in return the Spanish stores at Vincennes were plundered. The new state of Franklin offered to raise 1500 men "to thrust the perfidious Castilian into a better conduct towards the people of the United States." A letter to Jay, purporting to come from a gentleman at the falls of the Ohio, declared that "to make us vassals to the Spaniards is a grievance not to be borne." "Twenty thousand troops," he continued, "can easily be raised west of the Alleghenies to drive the Spaniards from their settlements at the mouth of the river. If this is not countenanced in the east, we will throw off our allegiance and look elsewhere for help. Nor will we seek in vain, for even now Great Britain stands with open arms to receive us." Washington declared that the West stood upon a pivot—"the touch of a feather will turn them any way." Loyal as the men of the West were to the Union, the prospect of being condemned to a quarter of a century of economic stagnation for the benefit of the merchant princes of Boston and New York was enough to shake their allegiance; and the brutally frank assertion of Gorham of Massachusetts that it would be a good thing for the Atlantic states to have the Mississippi closed for twenty-five years drew from Madison a

stinging rebuke for selfish sectional feeling. The Jay-Gardoqui treaty failed to be ratified by the requisite number of states (nine), but the lesson of it was plain. Jefferson wrote from Paris in December, 1786, that the disposition to shut up the Mississippi gave him "serious apprehensions of the severance of the Eastern and Western parts of our Confederacy."

Although the important diplomatic controversies were with England and Spain, our foreign ministers everywhere felt their insignificance under the weak government of the Confederation. "We are the lowest and most obscure of the whole diplomatic tribe," wrote Jefferson in bitterness from Paris. France was our ally, but she opened only four of her home ports to our ships and revoked the complete freedom of trade which she had given us in the Indies during the war with England. Jefferson could make no head against the corrupt ring of tax-farmers who controlled the tobacco trade in France. The ministers of Louis XVI told him plainly that they could not recognize the American Congress as a "government." The Dutch bankers were anxious about their loans to the new republic and kept writing to Paris to be assured that repudiation and bankruptcy were not imminent. The pirates of the Barbary States seized our vessels in the Mediterranean, holding American seamen for ransom. An "ambassador" from Tripoli visited John Adams in London and demanded 30,000 guineas for each of the four Barbary powers (Morocco, Algiers, Tunis, and Tripoli) as the price of a commercial treaty. As 120,000 guineas was half again as much as the total receipts of Congress, there was little temptation to yield to this blackmailing invitation. Jefferson wrote home urging that the United States "begin a navy and decide on a war with these pyrates," adding that Paul Jones with half a dozen frigates would totally destroy their commerce. "Be assured," he says, "that the present disrespect of the nations of Europe for us will inevitably bring us insults which must involve us in war: a coward is much more exposed to quarrels than a man of spirit."

Some influential men even despaired of republican government at all. "The late turbulent scenes in Massachusetts

[Shays's Rebellion] and infamous ones in Rhode Island," wrote Madison early in 1787, "have done inexpressible injury to the republican character in that part of the United States; and a propensity towards monarchy is said to have been produced by it in some leading minds." Jay also, in a letter to Washington, expressed the fear that "if faction should long bear down law and government . . . the more sober part of the people may even think of a king." That some not only thought of a king but even made serious advances in seeking a candidate for the American throne is proved beyond a doubt by a letter discovered in the Prussian *Hausarchiv* at Charlottenburg (Berlin) and published in the *American Historical Review* for October, 1911. The letter was written by Prince Henry of Prussia, brother-in-law of Frederick the Great, to Baron Steuben, who made his home in New York after the American Revolution. It contains a respectful but firm declination to attempt to make good in the office in which George III had so recently failed.[1]

Of course, these evils, foreign and domestic, were not the fault of the Articles of Confederation. They were in part the heritage of the war and in part due to social and political causes reaching far back into the colonial period. The rivalry between the debtor communities on the inland farms and the wealthy merchants and bankers of the coast regions, who lent them money at high rates of interest and bought up the best lands of the West at a few cents an acre;[2] the reluctance in a

[1] Many years later (December, 1816) James Monroe, then president-elect, in a letter to Andrew Jackson, declared that some of the leaders in 1786–1787 "entertained principles unfriendly to our system of government" and meant to make a change in it; and that they were disappointed in not getting the assent of George Washington (see Monroe, "Works," ed. Hamilton, Vol. V, p. 343).

[2] "In 1784 Washington traveled through the mountains to the Kanawha, and returning wrote several interesting and important letters on the subject of the Western lands. He declared that such was the rage for speculating in and forestalling lands that scarce a valuable spot within easy reach of the Ohio was left without a claimant. Men talked of 50,000 acres or even 500,000 with as much facility as a gentleman formerly did of 1000" (Edward Channing, "History of the United States," Vol. III, p. 530). Washington's own holdings of Western land, according to his will, were 41,136 acres, exclusive of his lands in the settled parts of Virginia.

time of economic depression to pay taxes to be sent to a remote treasury and spent for objects of dubious benefit; the harsh effects of the British Navigation Acts and the jealous Spanish policy of closing the Mississippi,—all would have existed even if the strongest kind of federal government had been devised in 1780. Proof of this is the fact that these evils did not disappear until long after the Constitution was adopted. But these problems revealed more clearly every year the inadequacy of the Articles to keep the Union together. By 1786 the great majority of influential men had been converted to the position which a few like Hamilton, Washington, and Madison had reached before the treaty of peace was signed; namely, that more power must be lodged with Congress if we were to vindicate our independence before the nations of the world. "To be more exposed in the eyes of the world and more contemptible than we are already," wrote Washington, "is hardly possible. . . . The Confederation appears to me to be little more than a shadow without a substance. . . . We are fast verging to anarchy and confusion."

The tendency of our historical writing has been to do full justice to the "anarchy and confusion" under the Articles, in order that they may serve as a foil against which the almost supernatural virtues of the Constitution shall shine with an added brilliancy. But in spite of the deserved disparagement of the Articles, several important positive contributions to nationalism were made under them and by them in the trying years of our critical period. The Union was actually held together and Union sentiment was undoubtedly stronger in 1787 than at the close of the war. Sectionalism was rebuked and even hissed on the floor of Congress. The great back country was rapidly settled by men who looked to the national government for protection and petitioned Congress for statehood. Through the voluntary surrender of their Western claims by several of the states an immense national domain was acquired, whose sale held the promise (when the Indians should be subjugated and the quarrel with Spain settled) of extinguishing the whole domestic debt. Our diplomacy, if not successful,

was able and dignified in the hands of Adams, Jay, and Jefferson. Treaties of commerce were concluded with Prussia and some of the minor states of Europe, and by 1789 such a mitigation of the commercial policy of England, France, and Spain had been secured that our trade with the West Indies was considerably improved.[1] In addition, we had opened new routes of trade to China and the East Indies. The *Empress*, sailing from New York on Washington's birthday, 1784, returned from the Orient in May, 1785, loaded with silks, tea, ivory, and spices—the first American vessel to visit the Celestial Empire. Four years later eighteen American ships were reported in the harbor of Canton. These were no mean accomplishments in the midst of the financial distresss and political impotence under which our government was laboring.

Finally, Congress in its last will and testament under the Articles of Confederation accomplished a work of great national importance in the organization of the territory north of the Ohio River. The influence of the frontier on the development of American nationality has been so constant and so potent, its contribution to the American ideals of liberty, democracy, and union so incalculable, that the first effective plan for the organization of the Western territory, the Northwest Ordinance, deserves special emphasis. It laid the foundation of our colonial policy—that process by which we pushed our settlements westward, subduing the Indian wilderness to civilized life, until our frontier vanished beyond the sunsets of the Golden Gate, and an unbroken band of states reached from ocean to ocean. The Ordinance of 1787 provided for territorial governments in the Northwest with "admission to a share in federal councils on an equal footing with the original thirteen states at as early

[1] British exports to the United States in 1789 and 1790 were £2,525,298 and £3,431,775 respectively, as against £1,603,465 in 1786. "It is safe to say," writes Professor Channing, "that in the year of the ratification of the Constitution of the United States [1788] the foreign commerce [interrupted by the war] had been reëstablished." So Professor Callender: "Economic conditions changed from extreme depression to almost normal prosperity before the new government came into existence in the spring of 1789 and before any of its measures had time to produce an effect."

periods as may be consistent with the general interests." It pledged the states made from this territory to perpetual adherence to the Union. It guaranteed a political and social democracy by prohibiting the entail of property and the introduction of slavery. It secured full liberty of conscience and worship. It made provision for public education and extended the privilege of Habeas Corpus, trial by jury, due process of law, and the sanctity of contracts to the new region. In a word, it made the territories of the United States not subject lands but sister lands, educated from their first settlement to take their place eventually as full members in the family of states. Daniel Webster said in the United States Senate forty years after the passage of the Ordinance, "I doubt whether any single law of any lawgiver ancient or modern has produced effects of more distinct and lasting character." And Senator George F. Hoar, in his address on the centennial anniversary of the first settlement made in this territory (at Marietta, 1788), declared that the Ordinance of 1787 "belongs with the Declaration of Independence and the Constitution as one of the three title deeds of American constitutional liberty."

The economist Tench Coxe read a paper on the reform of our commercial system before a group of publicists and scholars gathered at Benjamin Franklin's house in Philadelphia just a fortnight before the delegates from a quorum of the states arrived in that city for the opening of the Constitutional Convention. "The foundations of national wealth and consequence," he said, "are so firmly laid in the United States, that no foreign power can undermine or destroy them. But the enjoyment of these substantial blessings is rendered precarious by domestic circumstances. Scarcely held together by a weak and half-formed federal constitution, the powers of our national government are unequal to the complete execution of any salutary purpose, foreign or domestic. . . . We must immediately remedy this defect or suffer exceedingly. . . . If we are to continue one people, a system which will promote the general interests with the smallest injury to the particular ones has become indispensably necessary." The day of remedy was

at hand. Even as Coxe was speaking the members were gathering for that immortal summer's work, from May to September, 1787, which produced the Constitution of the United States.

The Constitution

Five generations of Americans have lived under the Constitution of the United States. They have seen the area of our country more than trebled, with distant tropical islands added as colonies. They have seen our population increase twenty-fivefold and our wealth over sixtyfold. They have seen millions of the poor and oppressed, swept from the dusty corners of Europe, seeking on these shores the freedom and opportunity denied to them at home. Orators, statesmen, and historians have celebrated the Constitution as the source of these political blessings, in terms so extravagant that something like a cult arose to put the document "among those things which a nation with loving reverence has determined to place beyond all question." Gladstone spoke of it as a kind of sudden inspiration or revelation—"the most wonderful work ever struck off at a given time by the brain and purpose of man." John Marshall, for thirty years chief justice of the Supreme Court, spoke of the Constitution as "an expression of the clear and deliberate will of the whole people."

It is no disparagement to the Constitution that a newer school of political writers, intent on studying the wonderful document in its social and economic origins, have shown such statements as Gladstone's and Marshall's to be quite far from the truth. The Constitution was not a sudden inspiration but a most laborious achievement. Every clause of it grew out of the problems with which the Confederation was confronted. So far from being the expression of "the clear and deliberate will of the whole people," it was the work of a very small and select class.[1] It was formulated by a convention of fifty-five men

[1] In the sixth volume of his "History of the United States" (p. 450), George Bancroft says, "The people of the States demanded a federal convention to form the Constitution, . . . the Federal Congress offered that Constitution

chosen by the state legislatures, which were all restricted to the representatives of property interests. It was debated in secret sessions, with sentinels posted at the door of the hall. It was accepted by great states like Pennsylvania, Massachusetts, and Virginia only after bitter conflicts in the ratifying conventions. New York adopted it by a margin of only three votes. It was "extorted," as John Adams said, "from a reluctant people by grinding necessity." It was bitterly fought over, clause by clause, by the representatives of the opposing interests of the large and the small states, the Eastern merchants and the Southern planters, until it seemed likely to the sanest mind in the Convention that the members would disperse without reaching any agreement.[1]

In our study of the rise and development of the American nation the formation of the Constitution is a topic of the first importance. The Declaration of Independence announced, and the treaty of 1783 confirmed, the existence of the new nation. But as yet we were a nation without a state, like the Saxon tribes in England before Alfred the Great, or the principalities of Germany and Italy before the work of Bismarck and Cavour. A nation without a state is like a spirit without a body, an idea without form. The Constitution furnished that body and form. It provided an effective government to hold freedom in the check of law, and it has proved, on the whole, the most successful attempt ever made in the world's history to reconcile the conflicting forces of liberty and authority. With very few amendments it has been adapted to the needs of a country whose rapid growth has been one of the marvels of modern history, and it is today the oldest written constitution in force among the nations of Christendom.

severally to the people of each State, and by their united voice . . . it was made the binding form of government." Every clause of this passage is erroneous.

[1] Washington wrote to Hamilton, July 10, 1787, in the midst of the deliberations of the Convention: "I almost despair of seeing a favorable issue, and do therefore repent having had any agency in the business. The men who oppose a strong and energetic government are, in my opinion, narrow-minded politicians or else under the influence of local views. . . . The crisis is equally important and alarming."

In September, 1780, six months before the Articles of Confederation went into effect, the prescient genius of Alexander Hamilton detected the causes of the weakness of Congress, and in a letter to Madison he suggested the immediate summons of a convention of all the states "with full authority to conclude finally on a form of general Confederation . . . to give Congress complete sovereignty in all that relates to war, peace, trade, finance, and management of foreign affairs," and "to provide certain perpetual revenues . . . which together with the duties on trade and the unlocated [unsurveyed] lands, would give Congress a substantial existence and a stable foundation." Every year that passed revealed more clearly the wisdom of Hamilton's recommendations and increased the number of distinguished voices demanding an adequate government. Pages could be filled with quotations from Washington's letters from 1781 on, urging reform. In 1783 he addressed a circular letter to all the governors of the states from his headquarters at Newburgh, where he had just stifled an incipient mutiny: "There is an option still left to the United States. This is the moment to establish or ruin their national character forever. . . . It is yet to be decided whether the Revolution must be considered a blessing or a curse." And three years later, when the evils of the Confederation had reduced us to "scarce the appearance of a government," he wrote, "I do not conceive that we can exist long as a nation without having lodged somewhere a power which will pervade the whole Union in as energetic a manner as the authority of the State governments extends over the several States."

Thomas Jefferson is generally cited as the advocate of large local powers against a central federal authority. Yet he wrote from Paris to Madison in 1786, "The policies of Europe render it indispensibly necessary that with respect to everything external we be one nation only, firmly hooped together"; and to Monroe a few months later, "There will be no money in the treasury until the Confederacy shows its teeth; the states must see the rod, and perhaps it must be felt by some of them." With respect to things *internal* too this same disastrous year

of 1786 was revealing the need of a nation "firmly hooped together." The East and the South were nearly ready to part company on the Mississippi question. War was imminent between several states over disputed boundaries and land claims. Civil war was actually ablaze in Massachusetts in Shays's Rebellion. A group of "Hartford wits," in verse lugubrious enough to match the situation, celebrated the reign of anarchy in the mock epic "The Anarchiad":

> Thy Constitution, Chaos, is restored.
> Law sinks before thy uncreating Word.
> Thy hand unbars th' unfathomed gulf of fate,
> And in deep darkness 'whelms the new-born state.

To the Virginia legislature, and especially to James Madison, is due the credit for starting the negotiations which led directly to the new Constitution. Maryland and Virginia had a long-standing dispute over the navigation of the Potomac and the waters of Chesapeake Bay. On the last day of the session of 1784 Madison got the Virginia legislature to appoint a committee to treat with Maryland, and the latter state, well disposed to her powerful neighbor on account of Virginia's recent cession of her lands in the West, responded heartily. The committees met at Alexandria, March 28, 1785, and soon adjourned, by Washington's invitation, to Mount Vernon, where the conference widened into a general discussion of commerce among the Middle States. It was felt that Delaware and Pennsylvania should participate, and Maryland then made the suggestion that delegates from all the states meet to confer on commerce and navigation. In January, 1786, the Virginia legislature issued a call for such a meeting to be held at Annapolis, Maryland, "to take into consideration the trade of the United States . . . and to consider how far a uniform system in their commercial regulations may be necessary to their common interests and their permanent harmony." Only five states were represented at Annapolis in September, 1786, though four more had appointed delegates. They were too few to attempt any alterations in the form of government, but they

adopted a report by Alexander Hamilton, calling for a convention of all the states "to meet at Philadelphia, on the second Monday of May [1787], to consider the situation of the United States and devise such further provisions as should appear necessary to render the constitution of the federal government adequate to the exigencies of the Union."

The movement for a new national government was fairly launched. Virginia appointed a group of distinguished delegates to the convention, with George Washington at their head. Other states followed suit, and Congress simply recognized an accomplished fact when it resolved that "on second Monday of May next a convention of delegates shall be held in Philadelphia, for the sole and express purpose of revising the Articles of Confederation."

The student should note the revolutionary character of these proceedings. The call of the state legislature and the resolves of self-summoned conventions reminds one of the Committees of Safety and of Correspondence in the early Revolutionary days. The regular Congress of the United States, its legal government, sitting in New York from 1785 to 1789, was not the source from which the movement for a new Constitution came. That impotent body had tried in vain to get the states to grant it powers of taxation and commercial regulation; and now the leaders (Hamilton, Madison, Washington, Jay) turned to other ways.[1] That many of them were determined to make the commercial reforms only the entering wedge for the complete abolition of the Articles of Confederation we know from their correspondence. "I consider the convention at Annapolis the most important aera in our affairs," wrote Monroe to Madison; "the Eastern men, be assured, mean it as leading further than the object [commerce] originally comprehended." Madison, writing to Jefferson in Paris, August 17, 1786, confesses his sympathy with "many Gentlemen both within and without Congress" who wished to use the Annapolis meeting to bring

[1] Professor Burgess goes so far as to use the phrase *coup d'état* (a sudden change of government by revolutionary conspiracy) to designate the Annapolis meeting.

about an amendment of the Articles; but he despairs, in the present crisis, of "anything beyond a commercial reform."

The character of the statesmen chosen as delegates to the Constitutional Convention, the tone of alarm in the letters of the chief men of the period, and the prevalence of public writings urging the need for drastic measures, all point to the momentous significance of the Philadelphia meeting of 1787. The men who assembled in the hall of the statehouse where some of them, eleven years earlier, had signed the Declaration of Independence [1] fully realized the solemnity of the situation. "America has certainly upon this occasion drawn forth her first characters," wrote George Mason to his son; "the eyes of the United States are turned upon this assembly, and their expectations raised to a very anxious degree. May God grant we may be able to gratify them by establishing a wise and just government."

The moment the Convention had finished its preliminary work of organization Governor Randolph of Virginia presented fifteen resolutions, designed ostensibly for the correction and enlargement of the Articles of Confederation, but in reality demanding a new Constitution (May 29). They provided for a national legislature of two branches, for a national executive to be chosen by the legislature, and for a national judiciary, also chosen by the legislature, to hold office during good behavior. Most significant of all, they provided for the extension of the new authority over the whole Union by the resolution (No. 14) that the various officers "within the several states ought to be bound by oath to support the articles of union." The Virginia resolutions were carried point by point in the first two weeks of the debate, and it looked as though a Constitution not differing much from the one under which we live might be the rapid and peaceful result of the labors of the Convention, until the resolution was reached which provided that representation in the second branch of the legislature (the Senate) should be

[1] These were Roger Sherman of Connecticut, George Read of Delaware, Benjamin Franklin, Robert Morris, George Clymer, and James Wilson of Pennsylvania, and Elbridge Gerry of Massachusetts. Gerry refused to sign the Constitution.

proportioned to population, as in the first branch (the House). The smaller states—New York, New Jersey, Connecticut, Delaware, Maryland—rebelled against this provision and presented through Paterson of New Jersey a counter plan "for revising, correcting, and enlarging the Articles of Confederation" without giving up their essential feature, the equality of the states. The New Jersey plan approved the creation of executive and judicial departments; it gave Congress powers of taxation; it even allowed the central government to call on the forces of the confederated states to coerce any recalcitrant state or persons in a state into obedience to national legislation. But it clung tenaciously to the federal as opposed to the national form of government. Congress must still consist of representatives of the states, not of the people; and each state in Congress must have a single and equal vote. "We would sooner submit to a foreign power," said John Dickinson of Delaware to Madison, "than submit to be deprived in both branches of the legislature of equality of suffrage, and thereby be thrown under the dominion of the larger states."

This, then, was the crucial question of the Convention: How can power be reconciled with liberty? For the larger states the only promise of vigor in the government was in its direct action on the people of the land; for the smaller states the only guarantee of liberty was in the maintenance of an absolute equality of each state in the federal council of the nation. "If New Jersey will not part with her sovereignty," said James Wilson of Pennsylvania, "it is vain to talk of government. . . . We must forget our local habits and attachments, lay aside our state connections, and act for the general good of the whole." Ellsworth of Connecticut was immediately on his feet in behalf of the small-state men to urge "the necessity of maintaining the exsistence and agency of the states," in order to preserve a republican government over so large a country.

It looked as though the Convention would go to pieces over this question. Martin of Maryland reported, on June 28, that it was on the verge of dissolution, "scarce held together by the strength of a hair," and Franklin, little inclined to seek

divine aid until every human resource had been tried, proposed that the session should be opened with prayer. The seriousness of the secession of the group of small states on the middle Atlantic seaboard, with their invaluable harbor of New York, can be seen at a glance. Gunning Bedford of Delaware declared openly that the small states would turn to foreign powers "who were ready to take them by the hand," rather than unite on the purely national plan advocated by Morris, King, and Wilson. The Convention appointed a committee of thirteen, one member from each state, to effect a compromise and adjourned over the Fourth of July. On the next day the committee recommended that representation be proportional to the population in the House and equal (two members from each state) in the Senate. The lower House, as the popular body, was to have the exclusive right to initiate revenue bills. After ten days of bitter debate this great compromise of the Constitution was adopted (July 16) by a vote of five states to four. Thus the fundamental character of our government was determined—partly national, partly federal.

Conflicts of interest on the part of sections or economic classes were settled, or at least quieted, by further compromises. The slaves, whom the Southerners wished to have counted as population, but who, of course, had no political or civil rights, were finally reckoned at three fifths of their actual number in computing the federal ratio for representation in the House; so that a state which had a population of 200,000 whites and 100,000 blacks would send to Congress representatives for 260,000 inhabitants. The regulation of commerce, which the agricultural class wished to have determined by a two-thirds vote in Congress, lest excessive taxes be levied under the form of customs duties, was left to a simple majority vote, but at the same time the producers were favored by a clause forbidding Congress to lay duties on exports. On July 26 the Convention referred twenty-three resolutions, the practical embodiment of the Virginia plan, to a committee of detail, consisting of Rutledge, Wilson, Ellsworth, Gorham, and Randolph. With the resolutions went the New Jersey plan and a plan of Charles

Pinckney of South Carolina.[1] The committee reported two weeks later, laying a rough copy of a constitution in "broadsides" on the desk of each member. For another month the clauses were debated. On September 12 the Constitution in its present form (save for the amendments) was returned from the committee on style, with the evidence of Gouverneur Morris's handiwork in its clear and succinct phraseology. On the seventeenth the engrossed copy was signed by 39 of the 42 members present at the Convention and was transmitted to Congress to be sent to the states for ratification.

Opposition to the new Constitution was immediate and widespread. The framers, said the critics, were representatives of the propertied classes alone and had deliberated like an aristocratic assembly behind closed doors. They had gone beyond their powers in writing a totally new Constitution instead of amending the Articles, and they had added presumption to disobedience by declaring that when nine states ratified the Constitution it should go into effect for those states. Was not that to invite nine states to "secede" from the Union—since amendments to the Articles could be adopted only by the unanimous consent of the states? Men who had been in the forefront of the struggle with Great Britain opposed the new Constitution, because they believed that it threatened our hard-earned liberty by the powers that it granted to the president and the federal courts. Patrick Henry wrote that he could

[1] The Pinckney plan has been the subject of much controversy. Madison had no copy of it, nor was it contained in the meager journals of the Convention published in 1818. John Quincy Adams, Secretary of State, wrote to Pinckney in 1818, asking him for a copy of his plan, and in return received from Pinckney a manuscript so like the "broadside" which had been submitted to the members of the Convention by the reporting committee (August 6) that historians have been inclined to accuse Pinckney of deliberate forgery. However, the existence of a Pinckney plan is undoubted. Many sections occur in the report of August 6 that were not in the twenty-three resolutions; and the source of these sections was a mystery until Professor J. Franklin Jameson, in 1902, discovered a leaf of the Pinckney plan inserted in a manuscript of James Wilson—one of the members of the committee. It is likely that Pinckney's plan was used as the basis for the "broadside" of August 6, and the disappearance of the manuscript may have been due to the fact that it was sent to the printer as "copy."

not bring his mind to accord with Washington's letter of indorsement of the document. Richard Henry Lee wrote the "Letters from a Federal Farmer" to expose the dangers of consolidated power which he saw in the Constitution. He called the proposed government "an elective despotism." Benjamin Harrison, a signer of the Declaration of Independence, saw only "the seeds of discord" in the "unlimited powers of taxation, the regulation of trade, and the jurisdictions that are to be established in every state altogether independent of their laws." He thought that "the states south of the Potomac would be little more than appendages to those north of it" if Congress by a bare majority could control commerce and taxation at will. Scrupulous democrats demanded a Bill of Rights guaranteeing freedom of speech and press, religious liberty, the right of petition, and trial by jury. Jealous states'-rights men saw in the Constitution a threat of absorption by the central government, since the members of Congress, paid from the national Treasury, would be absolved of responsibility to their state, and their oath of allegiance to the federal government would nullify their allegiance to their sovereign state.

In the face of this varied and determined opposition the campaign for ratification was waged. The defense of the Constitution in the ratifying conventions called by the legislatures of the states fell chiefly on the shoulders of a few men who had been members of the Constitutional Convention—Wilson and the Morrises in Pennsylvania, Sherman and Ellsworth in Connecticut, King and Strong in Massachusetts, Rutledge and the Pinckneys in South Carolina, Madison in Virginia, and Hamilton in New York. Washington, though not in the Virginia ratifying convention, was the most influential man in the country in securing the adoption of the Constitution. His prestige was enormous and his efforts were untiring. He won over Governor Randolph, who had refused to sign the Constitution at Philadelphia. Mr. Donald, who visited Washington at Mount Vernon in the summer of 1788, wrote, "I never in my life saw him so keen for anything as he is for the adoption of the new Constitution." Even the closeness of

the vote on ratification (187 to 168 in Massachusetts, 89 to 79 in Virginia, 30 to 27 in New York) can give no idea of the strenuousness of the campaign—a campaign fought with all the characteristic weapons of eighteenth-century political controversy: personal vituperation, venomous pamphlets, turgid oratory, hangings and burnings in effigy, billingsgate, bonfires, barbecues, and bad verses.

Out of the mass of ephemeral literature, however, there emerged one work of lasting worth. Alexander Hamilton, in his fight for ratification in New York, invited Madison and Jay to collaborate with him in a series of articles explaining the need, the nature, and the anticipated operation of the new Constitution. The articles appeared in the winter and spring of 1787–1788 in various New York papers, over the signature of "Publius." Jay wrote five of them, explaining the function of the proposed Constitution in foreign relations. Madison's twenty-nine papers dealt chiefly with the nature of the double government of state and nation, with the relation of the executive, legislative, and judicial department to one another, and the fortunes of federal systems in the world's history. Hamilton contributed fifty-one papers, emphasizing our dire need for a worthy and respected central government, the security to all interests, foreign and domestic, which would result from the application of just laws impartially enforced, and the benefits to our trade and our Treasury which would inure from the new Constitution. The articles, gathered into a volume under the title of "The Federalist," have been considered the ablest exposition of the principles underlying our Constitution, and one of the ablest works of political science in the world's literature.

Submitted to a general popular vote, the Constitution would probably have been defeated. Its supporters, the propertied classes, were far outnumbered by the disfranchised farmers and the industrial workers in the cities. Even among the voting population itself the opposition was so strong that only the specter of disunion could overcome it.[1] However, by the end

[1] So John Marshall, an ardent supporter of the Constitution in the Virginia ratifying convention, testifies in his "Life of Washington" (Vol. II, p. 127).

of June, 1788, nine state conventions had ratified the document, and the Constitution went into effect for those states. Only North Carolina and Rhode Island refused to join the new government before the inauguration, the following April, of its first president, George Washington.

When we analyze the motives for calling the Constitutional Convention, the method of election of the members, and the printed records of the debates, it is impossible to resist the conclusion that the Constitution was framed primarily to guarantee the interests of property against the dangers of anarchy, repudiation, and bankruptcy.[1] Washington confessed that we might as well continue under the old Confederation if the new instrument failed "to do justice to the public creditors and retrieve the national character." So aristocratic, indeed, did the new Constitution appear to many, with its life tenure for judges, its small and powerful Senate, its executive unhampered by a responsible cabinet or council, its complete control of commerce and currency, its machinery for the prompt suppression of popular disaffection, that it seemed rather an instrument for restraining than for expressing the popular will. "Its advocates," wrote John Adams, "received the active and steady coöperation of all that was left in America of attachment to the mother country, as well as of the moneyed interest, which ever points to strong government as surely as the needle to the pole." Mellen Chamberlain calls the Constitution "the triumph of the legitimate successors of the anti-Revolutionary party of 1775."

However, all discontent seemed to vanish in the general rejoicing which attended the final ratification of the Constitution. The "federal roof" was up at last. Pageants and processions, feasting and oratory, were the order of the day. Allegory was called in to supplement sober statement. "The good ship *Constitution*" was safe in port. "The sloop *Anarchy*"

[1] This was the view of John Adams and many other "aristocratically minded" men at the time, and a view that has been developed by some modern scholars, notably by Professor Charles A. Beard in his "Economic Interpretation of the Constitution" (1914).

had "gone ashore on the Union rock," and "the old scow *Confederacy*, Imbecility master," had "gone off to sea." But opposition only slumbered a little while to waken again, as we shall see, in Washington's administration, against the "monocrats" and the "Anglophiles," the merchants and the bondholders, who were accused of degrading the government from the servant of the whole people to the slave of the moneyed classes.

The Constitution is brief, clear and simple. Its unique virtue from the point of view of political science is the device by which it secured the supremacy of the new federal government without destroying or absorbing the state governments. Under the Confederation a state could ignore or defy the measures of Congress with impunity. A remedy for this chronic nullification of national laws was a prime requisite in a new constitution. Various remedies were proposed: to have the governor of each state appointed under the authority of the United States; to give the national executive the right to veto state laws "under regulations prescribed by the United States"; to give Congress the right to coerce a disobedient state. But instead of interfering directly with the officers or the laws of the states, or coercing a state by force of arms (which, as Madison urged, "would look more like a declaration of war than an infliction of punishment"), the Convention devised the happy expedient of enlisting the state authorities themselves in the support of the national government. The members of state legislatures and all the executive and judicial officers of a state were bound by oath to support the Constitution of the United States (Art. VI, sect. 3), and the state courts were pledged to recognize the Constitution and the laws and treaties made under it as "the supreme law of the land, . . . anything in the Constitution or laws of any State to the contrary notwithstanding" (Art. VI, sect. 2). No defiance was hurled at the states; no direct orders were given to them; only a few prohibitions were enjoined upon them; and no threat of military punishment was held over them. Still, the citizens of every state were brought individually and severally under the authority of the United

States through the federal courts; and the laws of any state might be set aside at any time as unconstitutional by a decision of the Supreme Court, which was the final court of appeal in all cases involving the interpretation of the Constitution (Art. III, sects. 1, 2).

Because the guardian of our American system of government has been the federal judiciary, rather than the military arm or an executive with the power of issuing administrative decrees, the courts have often been attacked in America as the strongholds of conservatism, and "judge-made law" has been branded as a usurpation of the rights of the popularly elected legislatures. Undoubtedly, the danger of some admixture of politics in our theoretically independent judiciary is the price we have to pay for the maintenance of the law of the land; but it is a small price, after all, to pay for freedom from subjection to a military police or to an arrogant group of minister-courtiers around a king by divine right. It is hard to imagine any agency or power that could have more justly performed the difficult task of adapting the Constitution to the various needs of a rapidly growing democracy than the federal judiciary, secured as it is by appointment and tenure from the undue influence of temporary or local legislation and yet truly national in character from its diffusion through all the states of the Union.

Many extraconstitutional features have developed in the actual application of the Constitution. A stranger reading the document would be well informed on such formal matters as the qualifications of officers, the powers of Congress, the process of amendment; but of the actual forces which move the government in state and nation he would be ignorant. He would find nothing in the Constitution about political parties, conventions, platforms, and "machines." He would have no suspicion of the immense power of the Senate through its control of patronage. He would not know what departments make up the president's cabinet or how many members there are in the Supreme Court. He would know nothing of the complicated process by which hundreds of bills become laws in every session of Congress. He would think that our president is still selected

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by a little group of "electors" meeting quietly in their respective states and balloting for the man of their own choice.

Although March 4, 1789, was the day set by the expiring Congress of the Confederation for the inauguration of the new government, it was well into April before the arrival of a majority of Congress in New York enabled the Houses to organize and count the electoral vote. George Washington's name was written first on every one of the sixty-nine ballots. The next highest vote (34) was for John Adams, who was declared vice president. On April 30 Washington took the oath of office on the balcony of Federal Hall, New York, while the great throng that filled the street below shouted, "God bless our Washington! Long live our beloved President!" The event marked the end of an era. That same April day fifteen years before, the British Parliament had been deliberating the first set of measures framed for the coercion and punishment of the recalcitrant American colonies. The victory of the men of 1775 in the war insured us a free field to work out the experiment of American democracy; the victory of the men of 1787 in peace secured a government strong enough to preserve that democracy from degeneration into factional groups despised in the eyes of Europe and distracted by petty rivalries at home. The burden of responsibility borne by the leaders who had labored for victory in war and order in peace during this critical decade and a half had been heavy. Their letters are filled with a courageous anxiety which bears witness to the strain they had been under. The adoption of the Constitution filled them with a kind of awful misgiving, for they knew at what a price they had won the opportunity to prove their faith in their political destiny. It is no wonder that the man who had borne the greatest burden of responsibility in both war and peace spoke in a voice "a little tremulous" in his inaugural address to the members of the first Congress of the United States under the Constitution: "The preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finally, staked on the experiment intrusted to the hands of the American People."

CHAPTER IV

WASHINGTON AND ADAMS

The establishment of a republican government on a safe and solid basis is the wish of every honest man in the United States, and is an object of all others the nearest and most dear to my own heart.—ALEXANDER HAMILTON

THE HAMILTONIAN SYSTEM

Six days before the electors met in their ten [1] respective states to cast a unanimous vote for George Washington as first president of the United States, the man thus honored had written to General Pinckney, "For my own part, I am entirely persuaded that the present general government will endeavor to lay the foundations for its proceedings in national justice, faith, and honor." Called himself a few weeks later to take the oath of office as chief magistrate of the new "general government," he fulfilled this prophetic pledge with the utmost fidelity. Justice, faith, and honor were the ideals which inspired George Washington his life long, and firmness, diligence, and the long patience which is akin to genius were the qualities of character which those ideals produced. Far less creative than Hamilton and far less learned than Jefferson, without Franklin's wit or Henry's eloquence, Washington was still the acknowledged master of them all in the superb balance of deed and thought, of reason and action, with which he pursued his even way in all vicissitudes of fortune. Most men as courageous would have been precipitate in action; most men as deliberate would have been vacillating in counsel. But Washington was equally removed from exaltation and despair. "Of all the great men in history," says Lecky, "he was the most invariably judicious."

[1] North Carolina did not enter the Union until November, 1789, and Rhode Island until the following May. In New York a deadlock between the senate and the assembly prevented the choice of presidential electors in 1789.

His ambitions were all weighed with a sense of the responsibilities which they brought, and his labors lightened by the quiet, constant faith that they were contributing to the eventual success of the newly founded democracy, "the last great experiment for promoting human happiness by a reasonable compact in civil society." His aims were all his country's.[1]

When Washington read his inaugural speech before the members of the first Congress in Federal Hall, New York, the total government of the United States was represented there. The departments, jurisdictions, courts, and embassies which were necessary for the execution of the powers conferred on the president and Congress by the Constitution had to be created by law and manned by secretaries, judges, marshals, collectors of customs, postmasters, military officers, territorial governors, Indian commissioners, foreign ministers and consuls, and a host of minor officials and clerks. The dissolution of the old Congress had put an end to all its feeble organs of government. The requisitions on the states had ceased, leaving the new government without a penny of income. The only bequest from the Confederation was a debt, which the new Constitution assumed in full.

The most imperative need of the new government was a revenue; and on the very day after the first Congress was organized, without waiting even for the inauguration of the president, the House of Representatives proceeded to the discussion of a tariff. James Madison of Virginia, the leading member of the House, brought in a bill imposing moderate duties (averaging about 8 per cent) on sugar, molasses, tea, coffee, wine, salt, nails, and other imports. Although the bill was described in the preamble as "An Act for the encouragement and protection of Manufactures," the protective

[1] The finest delineation of Washington's character in brief compass is a letter written by Thomas Jefferson to Dr. Walter Jones in January, 1814. It is the more remarkable as the tribute of a man whose political tenets were opposed to Washington's and whose personal relations during the later years of Washington's life were not the most cordial. The letter may be found in H. S. Randall's "Life of Thomas Jefferson," Vol. III, p. 641, or in P. L. Ford's edition of "Writings of Jefferson," Vol. IX, p. 446.

elements in it were only slight. It was the need of revenue which Madison urged in his speech, to meet our financial obligations and to revive among us "the dormant principles of our honor and honesty." There was no recourse in the debate on the bill to the stock arguments of the protectionist: high wages and the American standard of living. But one kind of protection the bill effected immediately. Importers of large consignments of goods from Europe secured the postponement of the operation of the act until their cargoes should have landed, and at the same time put up the prices of the goods to accord with the tariff. The consumers paid the bill. In spite of the recommendations of our first Secretary of the Treasury, Alexander Hamilton, for a high protective duty, in his Report on Manufactures, of December, 1791, the tariff remained low until the need of extraordinary revenue for war raised it to protective levels.

The three executive departments of State (foreign affairs), Treasury, and War were organized in the summer months of 1789, and Thomas Jefferson, Alexander Hamilton, and Henry Knox were appointed as the respective incumbents. Edmund Randolph of Virginia was named Attorney-General and took part with the executive secretaries in the cabinet meetings, though the Department of Justice was not organized by Congress until 1870. The heads of departments did not form a "cabinet" in the true sense of the word. They were not, like European ministries, an executive committee, drawn from the legislature, and responsible to the legislature in the shaping of national policy, nor were they recognized in any corporate capacity by Congress or the Constitution. The president, according to the Constitution, might "require their opinion in writing . . . upon any subject relating to the duties of their respective offices," but he was not obliged to consult them in a body. Washington did often ask opinions of his secretaries privately and separately, but under Jefferson the habit became fixed of assembling the cabinet at stated times for joint deliberation and advice on the policies of the administration. It was not until the middle of President Roosevelt's second term

(1907) that the cabinet received official recognition as a part of our constitutional machinery.

A Judiciary Act, prepared mainly by Oliver Ellsworth of Connecticut and passed September 24, 1789, organized the Supreme Court and erected federal district and circuit courts. Washington designated John Jay of New York as Chief Justice of the Supreme Court and named among the five associate justices such distinguished men as James Wilson of Pennsylvania, John Rutledge of South Carolina, and James Blair of Virginia. In accordance with the clause of the Constitution (Art. III, sect. 2, par. 2) which gives Congress power to regulate the appellate jurisdiction of the Supreme Court, the Judiciary Act conferred on the court the enormous power of reviewing the decisions of state courts as to the constitutionality of statutes—a power which Senator McClay declared was designed "to swallow by degrees all the state judiciaries." From this famous twenty-fifth clause of the Judiciary Act has been developed the practice of the Supreme Court (the "guardian of the Constitution") in declaring null and void acts of the state legislatures and Congress which conflict with the Constitution. The review of state laws and decisions by the Supreme Court led to many controversies, in our earlier history especially, between the advocates of states' rights and the champions of national sovereignty.

A multitude of minor matters were adjusted in the busy summer session of the first Congress. Hundreds of offices were created in connection with the great departments. The salaries of congressmen and executive officials were fixed. The location of the new capital was discussed. The president (but only by the casting vote of Vice President Adams in the Senate) was given the power to remove heads of departments and other appointive officers at his own discretion. The hundred and more amendments to the Constitution suggested by the states in their ratifying conventions were boiled down to twelve and passed by Congress. Ten of these twelve were ratified by the necessary three fourths of the states and appear as the first ten amendments of our Constitution. On September 29, 1789, Congress adjourned until the following January.

Quite as important as formal acts of Congress in determining the character of our government were a number of precedents established in the opening days of our national history. The French minister, the count of Moustier, tried to get Washington's ear for a private audience, but the president with firm and kindly tact held the minister to the custom of civilized nations of communicating their business in writing and through the proper channel of the foreign office. Congress too asserted its independence of the executive. Jealous of its constitutional right of initiating revenue measures, the House limited the Secretary of the Treasury to the preparation of reports to be presented for its consideration. It refused to allow Hamilton to appear on the floor in person to recommend his measures, since he was not a member of congress nor amenable to its control except through the extreme and unusual process of impeachment. Hamilton's friends, who wanted to see him play the part of an English Chancellor of the Exchequer, were not a little nettled at this democratic opposition. Even Washington's presence at the side of Secretary Knox in the Senate, where they had come to explain an Indian treaty, failed to secure a favorable reception for the Secretary of War. Both Washington and Knox withdrew from the Senate chamber in considerable embarrassment. A few years later Fisher Ames complained that the heads of administrative departments, instead of forming a real ministry, which might "impart a kind of momentum to the operation of the laws," were only "chief clerks." Whether it was wiser or not for Congress to keep the executive officers at arm's length is a question on which critics differ. It is the feature which differentiates our constitutional system most sharply from those of the responsible governments of Europe.

Congress assembled for its second session on January 4, 1790. Ten days later it listened to Alexander Hamilton's First Report on the Public Credit. Hamilton was a financial genius of the first order, endowed with "a powerful imagination for facts." To the capacity for sustained and close thinking inherited from his Scotch father he added his French mother's vivacity,

amiability, and charm. He had come to New York at the age of fifteen from his birthplace in the British West Indian island of Nevis to enter King's College (Columbia), and forthwith he devoted his precocious talents as a writer and speaker to the cause of the American colonies, which was then rapidly moving to its crisis. His services in the field and the council chamber during the American Revolution were considerable. In the later years of the war and during the critical period that followed he was assiduous in the study of finance and tireless in the recommendation of measures to strengthen the government and revive its languishing credit. In 1780, at the age of twenty-three, he wrote a long letter to our leading financier, Robert Morris, on the need for the establishment of a national bank. In the same year, in a remarkable letter to James Duane, he analyzed the causes of the weakness of the Confederation and proposed as a remedy a scheme of national government in which many of the features of the Constitution of 1787 were anticipated. He was chairman of a committee of Congress to report on an impost duty in 1782, and a few years later in the legislature of New York he fought valiantly to persuade the state to surrender to the Union sources of revenue sufficient to enable it to discharge its obligations. "For how," said he, "can our national character be preserved without paying our debts, or our Union continue to exist without revenues?" It was as no tyro in finance, then, but as a master that the young Secretary of the Treasury came forward in January, 1790, with his program for the establishment of our national credit.

"There is probably," says Henry Cabot Lodge, "no single state paper in the history of the United States, with the exception of the Emancipation Proclamation, which was of such immense importance and produced such wide and far-reaching results as Hamilton's First Report on the Public Credit." The long document[1] may be divided into two main parts:

[1] The Report is printed in full in H. C. Lodge's Federal edition of the "Works of Alexander Hamilton," Vol. II, pp. 227–289.

What are the obligations of the United States? and How shall those obligations be met? In dealing with the first question the Secretary showed the grandeur and courage of his convictions, and in dealing with the second he showed the resourcefulness and ingenuity of his imagination. We owed $11,710,378 to foreign creditors. Nobody doubted that this part of our debt "ought to be provided for according to the precise terms of the contracts relating to it." The domestic debt, with arrears of interest equal to half the principal, amounted to $40,414,085. The interest-bearing certificates representing this part of the debt had so depreciated in value, as the embarrassments of the government thickened, that they sold on the speculative market of 1789 for only a quarter of their face value. Hamilton insisted that the Treasury redeem these certificates at their full value. The United States had pledged itself to pay the amount written on the note and must pay that amount to the penny, no matter who held the note. If this enriched the speculator who had bought the certificates for 25 per cent their par value, that was the punishment of the original holders who had had so little faith in their government as to sell its securities cheap. They must learn once for all that the new government of the United States would not start out with a policy of repudiation. The Constitution (Art. VI, sect. 1) declared that "all debts contracted and engagements entered into" before its adoption should be as "valid against the United States under this Constitution as under the Confederation." Congress was forbidden, then, by the fundamental law of the land to pay less than the full value of its debt. As for the plan, urged by Madison and others, that the government pay the present holders what the certificates had cost them plus the accrued interest from the date of purchase, and pay the balance to the original holders, Hamilton found it impolitic and "replete with absurd as well as inequitable consequences." Even if the original holders could be traced, how could it be proved whether they had actually profited or lost by realizing a certain amount on their securities at a certain time. Perhaps the money was worth more to them then than the full value of the certificates would

be now. In short, the matter was so complicated that the government could never hope to adjust it equitably. With buyers and sellers in the security market it could not pretend to deal. All it could or should do was to pay its debt as pledged. But this policy seemed to Hamilton's opponents to put a premium on speculation in the public funds, to make the Treasury the ally of the capitalist, and still further to enrich, at public expense, the rich man who had taken advantage of the need of the poor to "filch away" their substance for a pittance.

The next proposition of the Secretary was even more startling. Owing to the inability of the old Congress to command the resources of the country through taxation, the several states had been obliged to incur debts during the Revolution for the defense of their territory. These debts, amounting to $18,271,786, Hamilton proposed should be "assumed by the Union" on the grounds of "sound policy and substantial justice." The justice of the policy of assumption lay in the fact that the debts had been incurred by the states for the common cause of the Union; the sound policy of the measure was contained in the assurance that "if the public creditors receive their dues from one source, distributed with an equal hand, . . . they will unite in the fiscal arrangements of the government." If the states retained their debts they would have to compete with the central government in raising large annual revenues. This would lead to "mutual jealousy and opposition" and seem to put a double burden of taxation on the people. Moreover, the Constitution having taken from the states the most abundant source of revenue in the tariff duties (Art. I, sect. 10, par. 2), it was only fair that the general government should relieve them from the burden of their debt.

In the second half of his Report Hamilton set forth his plan for meeting the debt. Annual interest charges at the current rates of 4½ and 5 per cent on the foreign debt and 6 per cent on the domestic debt would amount to $4,587,444. This amount Hamilton reduced to $2,239,163 by his funding operations, a complicated set of measures based on the expectation that within five years the credit of the United States would enable

it to borrow at 5 per cent and within twenty years at 4 per cent. The holders of the old loan certificates could exchange them at the Treasury for various options, including annuities, grants of public land, bonds bearing interest from date, and "deferred stock" paying interest after the year 1800. For meeting the current expenses of the government and interest on the debt Hamilton proposed to add to the existing duties on imports and tonnage additional taxes on wines, liquors, tea, and coffee which would yield over $1,500,000. In closing he urged upon the House the great importance of making provision to meet our obligations without delay, in order "to give a better impression of the good faith of the country, to bring earlier relief to the creditors, and to prevent the further depreciation of the government stock through speculation," by which "millions would probably be lost to the United States."

The contest in the House over Hamilton's Report was a bitter one, centering chiefly in the project for the assumption of the state debts. States with heavy obligations (Massachusetts, South Carolina, Connecticut) naturally favored assumption, while those which either had never contracted a large debt or had succeeded in paying off most of their debt (New Hampshire, Maryland, Georgia, Virginia) were against the measure. The Secretary's solicitude for the relief of the states, said his opponents, was only a hypocritical pretext to cover his real purpose; namely, the addition of another $20,000,000 to the already inflated debt of $54,000,000, to make doubly sure the perpetual alliance of the federal government with the men of wealth who would absorb its enormous issues of securities. And, indeed, Hamilton had put himself on record again and again as an advocate of such an alliance. "The only plan," he wrote to Robert Morris in 1780, "that can preserve the country is one that will make it the immediate interest of the moneyed men to coöperate with the government in its support." And again, in the famous letter of the same year to Duane: "The only certain manner to obtain a permanent paper credit is to engage the moneyed interests immediately on it, by making them

contribute the whole or part of the stock and giving them the whole or part of the profits." Furthermore, Hamilton wished the debt to be perpetual, since he would allow Congress to redeem but 2 per cent of it in any year. A perpetual debt meant a perpetual control of the government by the capitalists. It was the introduction of the British system of finance.

The assumption measure seemed lost when the North Carolina delegates, who arrived on the floor of Congress in April, 1790, cast their votes against it. But Hamilton, always fertile in resource, found a way out. Thomas Jefferson had lately arrived in New York to take up his duties as Secretary of State. Hamilton waylaid him one morning on the way to an interview with Washington, and walked him "backwards and forwards before the president's door for a half an hour," pathetically "painting the temper into which the legislature had been wrought, the disgust of those who were called the creditor states, and the danger of the secession of their members and the separation of the states." Jefferson, flattered at being sought as an arbiter on the threshold of his cabinet career, invited Hamilton and a few influential friends to dinner, and a bargain was struck over the wine, by which the Secretary of State agreed to secure some Southern votes for assumption in return for Hamilton's influence in getting the national capital established on the banks of the Potomac. Jefferson realized later, to his horror, that he had contributed to the policy of fixing the "octopus" of the money power on the government, and complained that he had been "duped" by Hamilton before he had had time to grasp the importance of the measure. But as Jefferson had been in the country since the preceding Christmas and was an exceptionally close student of political affairs, it seems as though he might have divined the purport of the assumption bill before the end of May. On July 26, 1790, assumption was carried through the House by a vote of 32 to 29, and the end of the summer saw the realization of the whole program of Hamilton's Report. It was perhaps the most fateful legislation in our history until the middle of the nineteenth century.

Three other important reports to Congress complete the Hamiltonian system. On December 13, 1790, a second Report on the Public Credit was submitted, which discussed means of increasing the revenue and recommended an elaborate system of excise duties on wines and spirits. At the same time the famous report advocating the establishment of a National Bank was presented. At the opening of the second Congress (December, 1791) a Report on Manufactures was sent in, recommending a protective tariff. The Report on Manufactures was not adopted, but the excise and the Bank were put through Congress.[1]

A National Bank in some shape or other, which should unite private and public funds "to erect a mass of credit that would supply the defect of moneyed capital and answer all the purposes of cash," had been for a decade a project of Hamilton's. The Bank, he urged, would effect the augmentation of active capital in a country in which such capital was needed for the development of the land and the encouragement of manufactures. It would mean the extension of credit and would facilitate the payment of taxes by increasing the currency, for its bills and notes would circulate as cash. It would stimulate business. It would act as a kind of central exchange office for investment opportunities, keeping in constant circulation capital which private individuals would be likely to hold in their strong-boxes for lack of a timely offer of investment or of a thorough confidence in the stability of the currency. It would furnish the government with a convenient fiscal agent for the negotiation of loans, the payment of the interest on the public debt, and the deposit of the Treasury balances. Hamilton proposed that the Bank should be incorporated by Congress for a period of twenty years with a capital of $10,000,000. Its shares of $400 each should be offered for public subscription, one fourth being paid for in specie (gold or silver) and three fourths

[1] Subsidiary measures of the Hamiltonian system were the creation of a sinking fund and the establishment of a mint. Hamilton wanted to have the President's head stamped on the coins of the United States; but the House thought that this smacked too much of royalty, and substituted the figure of Liberty.

in the stock of the public debt bearing interest at 6 per cent. Its bills and notes were to be receivable for all dues to the United States. The government might subscribe for one fifth of the stock ($2,000,000) and borrow the money back from the Bank forthwith. The Bank was to have a monopoly in transacting the government's financial business, but was forbidden to buy any of the public debt in the market; that is, to speculate in government securities. The Treasury Department was to have the right to inspect the Bank's accounts and to demand reports as often as once a week on the amount of its stock outstanding, its debts, deposits, notes in circulation, and cash in hand.

The Bank bill was passed in February, 1791, and sent to the President for his signature. Washington, as was his custom in weighty matters, asked for written opinions on the bill from the members of his cabinet. Both Randolph and Jefferson advised the President to veto it. The Attorney-General raised the objection that the Constitution did not give Congress the power to create corporations; and Jefferson, with his innate jealousy of the extension of the authority of the central government, argued further that the Bank was neither "necessary" nor "proper" for carrying out the powers granted to Congress. Once depart from the strict letter of the Constitution, and a clear road to despotism would be opened. Washington sent the opinions of Randolph and Jefferson to Hamilton in confidence, with the request for a speedy reply. In an elaborate argument, submitted to the President on February 23, 1791, Hamilton answered the objections of his colleagues in the cabinet, insisting on the sovereignty of the national government and showing how the Bank would be both a necessary and a proper agency in such important federal duties as the laying and collecting of taxes, the borrowing of money, the regulation of currency and trade, and the national defense. His arguments prevailed, and Washington signed the bill. Hamilton's opinion on the Bank was a momentous document, for it was the first exposition of the "implied powers" of Congress, deducible from the general tenor and purport of the Constitution,—the first tentative

stretching of the "elastic clause" (Art. I, sect. 8, par. 18) which has been kept pretty taut ever since.[1]

Historians have been quite unanimous in attributing to Hamilton's financial measures the establishment of the public credit of the United States. Daniel Webster's tribute to the first Secretary of the Treasury has become classic: "He smote the rock of national resources and abundant streams of revenue gushed forth; he touched the dead corpse of public credit and it sprang upon its feet." Certain it is that the growth of our economic prosperity was rapid in the years following the adoption of the Hamiltonian system. Our exports increased to $20,000,000 a year. Our shipping extended literally around the world.[2] The total Bank stock was taken up within two hours after the subscription books were opened, and in a few months it was selling at a premium of 40 per cent. Foreign capital sought investment in America, while the European wars kindled by the French Revolution stimulated our manufactures and commerce.[3] At the same time, there is evidence enough that our general economic fortunes were on the rise before Hamilton's measures went into effect. European exports to the United States increased from $9,400,000 in 1788 to $12,600,000 in 1789 and $17,100,000 in 1790. Hamilton himself

[1] In 1819 the famous case of McCulloch *vs.* Maryland tested the constitutionality of the Bank before the Supreme Court. Chief Justice Marshall's decision completely upheld the legislation of 1791. It is interesting to see how closely the reasoning of Marshall (United States Reports, 4 Wheat. 316 ff.) follows Hamilton's cabinet opinion (Works, Federal edition, Vol. III, pp. 445–493). Though the first Bank failed of recharter by a single vote in both Houses of Congress in 1811, and the second Bank was overthrown by the election of 1832, the most important features of Hamilton's scheme—a banking-system under the supervision of the government, and a national currency—were revived in the stress of the Civil War and have remained a part of our policy ever since.

[2] On August 10, 1790, Captain Gray, in the ship *Columbia*, arrived in Boston Harbor with a cargo of tea from China, after carrying the American flag for the first time around the world. On his next voyage, to repeat the exploit, Gray discovered the great river on our western coast and named it after his ship (1792). This discovery constituted one of our strongest claims to the vast Oregon region in later years.

[3] European investors held 17,000 of the 25,000 shares of the stock when the Bank was disestablished in 1811.

spoke, in his Report on Manufactures, of the "many factories of leather, iron, copper, flax, fur, wool, brick, soap, carriages, etc." as "having attained to a considerable degree of maturity." Washington believed that we were on the up-grade in 1788. He wrote to Jefferson in Paris, on August 31 of that year, that the American people were "emerging from the gulf of dissipation and debt into which they had precipitated themselves at the close of the war," and that "economy and industry were evidently gaining ground." To Lafayette he had written a few weeks earlier, "I really believe that there never was so much labor and economy to be found in the country as at the present moment"; and he predicted that when the new government should go into effect many blessings would be attributed to it which were already "taking their rise from industry and frugality." Hamilton was able to take advantage of this turn in the tide of prosperity.[1]

But whether Hamilton's measures inaugurated our prosperity or only hastened its march, they divided the country at large, as they did the cabinet, into two irreconcilable parties and furnished the program for a concerted opposition to the administration of Washington. Not that they created either the economic conditions or the social disposition out of which the parties came. Otto, the secretary of the French legation at New York, wrote home to Vergennes in October, 1786, "Although there are no nobles in America, there is a class of men, denominated gentlemen, who by reason of their wealth, their talents, and their education, their families or the offices which they hold, aspire to a preëminence which the common people

[1] "The Constitution was floated on a wave of commercial prosperity" (Farrand, "The Development of the United States," p. 75). G. S. Callender remarks in his "Economic History of the United States" (p. 182), "One may well wonder what would have been the fate of Hamilton's brilliant projects . . . if they had been tried on the country during the economic gloom of 1785–1786." A curious testimony to reviving prosperity is found in a squib in the *Pennsylvania Packet* of July 4, 1788, reporting the ratification of the Constitution: "Ship news extra! Arrived safely in port the Ship *Federal Constitution*, Perpetual Union commander. In her came passengers Flourishing Commerce, Public Faith, Confidence, Justice."

refuses to grant them . . . and moreover, they are creditors, and therefore interested in strengthening the government and watching over the execution of the laws." Hamilton himself, in the speech in which he recommended to the convention at Philadelphia his plan for an "aristocratic" constitution, said: "All communities divide themselves into the few and the many. The few are the rich and well born, the other, the mass of the populace. . . . The people are turbulent and changing; they seldom judge or determine right. Give, therefore, to the first class a distinct, permanent share in the government. They will check the boisterousness of the second." It was this "first class"—the solid men of wealth, birth, and position, the large merchants, manufacturers, and capitalists, the holders of the public securities, the clergy and the lawyers, the advocates of energy and full competency in the national government—who rallied to the support of Hamilton's program. They were called Federalists. They were a small minority of the total population, but common interests bound them into a compact, alert body. They had the offices of the government in their hands.

On the other side were the mass of the people—the debt-burdened farmers of the interior counties; the manufacturers and apprentices, spinning, carding, and weaving their wool, hammering out their iron nails, bending over their lapstones to shape the rude leather soles; the hardy pioneers who ever since the war had been crossing the mountains into the rich valleys of the Ohio, the Cumberland, and the Tennessee. These people had little need for a strong central government. They had fought for their liberty and wished now to enjoy it. They had no capital to worry about and were little concerned with the credit of the United States. They had no money to spare and looked with distrust on the grant of unlimited powers of taxation to Congress. The opposition to the Constitution in 1787–1788, as an aristocratic document "squinting towards monarchy," had come chiefly from the agricultural debtor class. They were called Anti-Federalists then, while the men who supported the Constitution were called Federalists. The new

Federalists of 1791, Hamilton's party, were essentially the same people as the Federalists of 1787, since the very considerations which urged men to change the ineffective Articles of Confederation for a vigorous Constitution—namely, the security of the national debt, the regulation of commerce, a dependable currency, and an adequate national revenue assessed and collected by national authority—led them also to support the vigorous measures of Alexander Hamilton which were aimed at securing those desirable ends.[1]

The opponents of the Hamiltonian system took the name of Democratic-Republicans,[2] as a protest against the aristocratic conception of a republic governed by "the rich, the well-born, and the able." They maintained in their debates in Congress and in their newspapers and pamphlets that the great augmentation of the public debt, resting as it must on a basis of increased taxation, meant the ruin of agriculture and an intolerable burden to the debtor class. For the labor of the farmer and the mechanic must eventually pay all these public charges. "Every atom of funded debt," said Mercer of Maryland in a debate in the House in 1792, "is so much taken from the value of the land . . . and so much diminished from the value of labor. . . . The effect of stocks[3] is to transfer the fruits and labor of the many . . . into the hands of the opulent few, who exchange them for foreign luxuries and consume in an hour the labor of industrious families for years. It prevents a general diffusion of wealth by drawing it to a

[1] Professor Charles A. Beard has demonstrated in his "Economic Origins of Jeffersonian Democracy" the substantial identity of the Federalists of 1787 with the Federalists of 1791. The men who made the Constitution had a very large share in putting it into effect, 26 out of the 39 signers being among the personnel of the first administration as members of Congress, judges, customs officials, etc. The few conspicuous men, like Madison and Patrick Henry, who changed from old Federalists into new Republicans or from old Anti-Federalists into new Federalists, were only the exceptions that prove the rule.

[2] The name was abbreviated into Democrats or Republicans, the latter used almost exclusively by the members of the party itself, and the former by their adversaries, often with the adjectives "vile," "wild," or "Jacobinical" prefixed.

[3] Meaning the 6 per cent bonds of the government issued in 1790 to take up the old certificates of debt, and the $10,000,000 of Bank stock issued in 1791.

center, and saps the foundations of Republican Government." Furthermore, the Republicans maintained that the Hamiltonian measures were sectional, favoring the mercantile-manufacturing interests of the North against the agricultural interests of the South. How well founded this charge was can be judged from the fact that only three votes in favor of the Bank bill came from the district south of the Potomac and only one vote against it from the region north of the Potomac. A correspondent wrote to Hamilton in 1792 from Virginia, "There is no considerable mercantile circulating capital and there are but few moneyed men in the country [the state of Virginia]." Georgia and the Carolinas (except for the city of Charleston) held very little of the public debt. It had been bought up by speculators from the great commercial centers of the North. Of manufactures there were practically none south of the Potomac in 1790. Funding, assumption, the Bank, the tariff, were all measures calculated to benefit that half of our country which lies north of Mason and Dixon's line.

The issue between Federalists and Republicans was far more serious than a mere question of political policy or economic expediency, such as the curtailment of states' rights or the imposition of a high tariff. It was, in the honest opinion of the protagonists on both sides, a question of the very existence of the government itself. Hence the violence of party strife, the vituperative language on the floor of Congress, the vehement quarrels in the cabinet, the venom of the press. To the Federalists all the fine rhetoric about freedom, in prose and verse, with which Philip Freneau filled the columns of the *National Gazette*—when he had space to spare after vilifying the "monarchical" administration from Washington down—was only a flimsy pretext to hide the real motives of the Republicans. They objected to the laws that were passed, said the Federalists, because they did not want to obey any laws at all; they opposed the assumption of the debts because they did not want to pay their debts. Their vaunted "liberty" had already led to anarchy, and anarchy to national bankruptcy and impotence. Their "democracy" meant the rule of the mob—the "people"

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whom Hamilton in a fit of impatient disgust called "a great beast," and who John Adams declared were "the worst conceivable keepers of their own liberty," since they could "neither judge, nor think, nor will as a political body." "There never was a democracy," he continued, "that did not commit suicide." If our new republic was destined to survive, he thought, it would be because security, energy, and good faith marked its administration in the hands of the competent and responsible few, and not because we were all "leveled to an equality with French barbers."

The Republicans were equally convinced that the preservation of the new American state depended on the maintenance of their theory of democratic government. We were "galloping into monarchy," said Jefferson. To what end the sacrifices of 1775–1781 if another England were to be established on these shores, with its executive officers distributing the patronage and marshaling the factions in the legislature, with its Bank and its huge funded debt, with its aristocracy of finance and commerce in league with the beneficent administration—with everything, in short, but the actual titles of nobility! Was the American Revolution the vindication of the natural and indefeasible rights of man, as its great charter proclaimed, or was it only the vindication of the usurped and partial rights of "the rich, the well-born, and the able"? Jefferson confessed that he was not of those "who fear the rule of the people." He was not dismayed at the thought of occasional revolutions: they cleared the political atmosphere. He insisted on absolute freedom of speech and press. Better newspapers without a government than a government without newspapers, he said. Even the venerated name of Washington failed to weigh against this conviction of the sacredness of democracy. The President's sense of propriety was shocked and his temper sorely tired by the attacks made on him and his administration in Freneau's *Gazette*. He let Jefferson, who was Freneau's patron, know of his chagrin, but the Secretary of State refused to dismiss Freneau from his modest position in the department or to intercede with him privately for the suppression of his diatribes.

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Valuing the personal friendship and the political services of both Jefferson and Hamilton, the President bore their quarrels in the cabinet with extraordinary patience and tried his best to reconcile their views. He wrote them each a personal letter in the summer of 1792, expressing his appreciation of their services and begging them to work together in harmony. The reply of each of the Secretaries showed deference to their chief, but no sign of sympathy for each other. Both were ready to resign from the cabinet, but neither was willing to modify his policy. Each threw the blame on the other. Every month strengthened the opposition to the Hamiltonian system. Speculation forced the Bank shares to inflated levels and precipitated a financial panic in 1792. The excise law, exceedingly unpopular in the back counties of Pennsylvania, Virginia, and the Carolinas, where the moonshine stills furnished the farmers the most convenient currency in the form of whisky, was already provoking the resistance which culminated in the famous Whisky Rebellion of 1794.[1] And, finally, Jefferson was busy in season and out of season with tireless pen and inexhaustible resources of appeal and encouragement in organizing the inarticulate democracy of the common people into a party which should be able to contend with the compact group led by Hamilton and his "corrupt squadron"[2] in Congress.

The first real trial of strength between the parties came in the election of 1792, when the Hamiltonian system went before the country for indorsement. It was an anxious moment for the Federalists. Besides the financial panic and the resistance to the

[1] See page 186.

[2] This was the name by which Jefferson stigmatized the members of Congress who held the public securities or "funds" of the United States. These men were doubly "corrupt" in Jefferson's view, first because they had "filched" the certificates of debt from the poor, and, second, because they voted in a body for the Hamiltonian policies which protected their financial interests. Hamilton, in a long letter to Washington in 1792, sought to disprove the charge of collusion between the Treasury and the members of Congress; but Professor Beard has furnished the figures to justify Jefferson's assertion that had those actually interested in the outcome of the funding process refrained from voting on Hamilton's proposals not a single one of them would have been carried ("Economic Origins of Jeffersonian Democracy," p. 194).

excise tax referred to in the last paragraph the administration was suffering under the disgrace of the murderous defeat of General Authur St. Clair's army of 1500 men by the Indians of the Northwest Territory (November 4, 1791). Jefferson counted on the farmers of the South, the malcontents of Pennsylvania, and the anti-Hamiltonians in New York, skillfully led by Clinton and Burr, to turn the tide of Federalism. Unless they should be buttressed by the strength of Washington's great name, the Federalists saw defeat looming. The "supercilious superiority" of John Adams, who would be the logical candidate of the party if Washington persevered in his intention to retire to his estate at Mount Vernon, would oppose too feeble a dike to the rising tide of Republicanism. Hamilton, by dint of much argument, prevailed upon the President to serve another term, and Jefferson, with equal sincerity but less anxiety, joined in the general prayer. Washington again received the vote of every elector, but the second honor on the ballot, instead of being distributed among eleven names as it had been in the election of 1789, was contested between the Federalist and the Republican candidate, with none too large a margin in favor of the former.[1] The Republicans elected a majority to the new House of Representatives.

Foreign Entanglements

According to Washington's own confession, it was not solicitude for the Federalist party that persuaded him in 1792 to postpone his anticipated retirement to Mount Vernon, but the "perplexed and critical posture of our affairs with foreign nations." It is difficult for us today with our secure and well-defined borders, with our closely welded and tested Union, with our long and popular tradition (but lately disturbed) of indifference to the quarrels of the Old World, to realize how

[1] Adams carried New England, Pennsylvania, New Jersey, Delaware, Maryland, and South Carolina (77 votes). Clinton carried New York, Virginia, North Carolina, and Georgia (50 votes). The new state of Kentucky (1792) gave its four votes to Jefferson.

dangerously exposed we were in the earliest years of the republic to the storms of European politics. The Revolution, although it secured our political independence, did not make us economically independent of Europe. After the war, as before it, our prosperity depended on our foreign commerce. Manufactures were in their infancy. Laborers were scarce and land was abundant. Our enormous surplus of foodstuffs, lumber and timber, fish, and tobacco had to be exchanged abroad for the luxuries, and even for some of the bare necessities, of civilized life. We were vitally concerned, therefore, in the commercial policy of the European maritime and colonial powers—France, Spain, Holland, and Great Britain. Furthermore, the land between the Alleghenies and the Mississippi was a vast "arena of friction." Indian tribes and confederacies still harassed our settlements as they spread northward from the Ohio and southward from the Cumberland, while the agents of England and Spain, our neighbors on the north and south, were busy with a disavowed but rather obvious propaganda to encourage the Indians in their resistance to the establishment of our authority in the lands which had been ceded to us by the Treaty of Paris. England even retained garrisons in half a dozen fur posts strung along the lakes from Dutchman's Point on Lake Champlain to Mackinaw on Lake Michigan—all in the territory of the United States (see map, p. 101).

Our diplomatic relations also were highly unsatisfactory. With Spain, who had been the ally of our ally France in the Revolution, we had made no treaty at all in 1783, nor were we able to conclude one in the critical years that followed, although Spanish control of the Mississippi and Spanish possession of Florida (lying all along our southern border) made an agreement concerning the navigation of the river and the policing of the hostile tribes of Creeks and Cherokees an imperative necessity. With France we had a treaty, the earliest in our national history, dating from the dark days of the American Revolution (1778). But as this treaty was in the form of an alliance, pledging us under certain conditions to fight by the side of France for the protection of her American (West Indian)

possessions, and giving her the privilege of using our ports for her prizes of war, it proved eventually to be more of an embarrassment to us than the lack of a treaty with Spain. As to England, there was, of course, the famous treaty of 1783. But instead of settling old disputes, this treaty only opened new ones. Every article in it, except the first, which recognized the independence of the United States, led to contention and mutual charges of bad faith.

To deal with the delicate diplomatic situation we should have had a well-organized department of foreign affairs, with the tradition of a firm and consistent policy, backed by the strength of the united nation. Instead of that, when Jefferson assumed the office of Secretary of State, in the spring of 1790, he inherited a legacy of mistrust and contempt bequeathed by the weak government of the critical period. It was certain, under these conditions, that the first serious strife among the maritime nations of Europe would be the signal for trouble in America. And, indeed, it looked as if that trouble were at hand in the very first year of Washington's government, when Great Britain threatened to go to war with Spain over the seizure of British ships attempting to establish a trading-post on the western coast of America at Nootka Sound. In case of war the British would probably march across our territory from Canada to attack the Spaniards on the Mississippi. They would kindle war in Florida and Louisiana and rouse the Indian tribes on our borders. Fortunately, the war cloud blew over and our country was left in an apprehensive state of peace during Washington's first administration, to establish the federal government and put into operation the Hamiltonian fiscal system, which we have studied in the preceding section.

Hardly was Washington seated in office for a second time, however, when the storm burst. In the first days of April, 1793, a British packet sailed into New York bearing ominous news. The French Republic, whose baptismal victory over the Prussians at Valmy the Americans had celebrated with civic feasts and processions, with bell-ringings and banquets, only a few weeks before, had fallen into the hands of the radicals, who had

guillotined their king, hurled defiance against all the thrones of Europe, and added England, Holland, and Sardinia to the list of their enemies in arms. A few days after the arrival of this news Citizen Edmond Genêt, the minister from the French Republic to the United States, landed in Charleston "with the smell of blood on his ambassadorial garments." Genêt was enthusiastic, vain, rash, and emotional. He came not as a diplomat but as the agent of the French Republic. Even before his credentials were presented at Philadelphia he began to violate the principles of international courtesy and law, equipping vessels in our ports to fight the British, enlisting our seamen, establishing courts for the condemnation of prizes, ordering French consuls to carry out his belligerent plans, demanding an advance payment of the interest on the French loan for the purchase of war supplies.

As Genêt was making a triumphal progress up to Philadelphia, feted by the Francophile Republicans of the Southern states, the President summoned his cabinet for advice as to how to treat the new envoy. Should he be officially received and the Republic which sent him recognized? If so, what would be the effect of our relations with those maritime countries with which the French Republic was at war and with which our trade was flourishing? There was the embarrassing treaty of alliance of 1778 with France, pledging us to fight her battles and opening our ports to her prizes. Was there occasion now for France to demand fulfillment of the pledge and so involve us in a war with Great Britain? The cabinet agreed unanimously that Genêt should be received, but that, at the same time, a proclamation should be issued forbidding our citizens "to take part in any hostilities on land or sea with any of the belligerent powers" or to carry contraband goods to their ports. Washington published the proclamation on the very day that Genêt entered the capital (April 22, 1793).

If the Proclamation of Neutrality gave umbrage to the friends of France, their objections were speedily overcome by the folly of Genêt himself. In defiance of the warnings of Governor Mifflin of Pennsylvania, and in spite of his own promise to

A BANQUET TO GENÊT

Secretary Jefferson, he allowed the prize brig *Le Petit Démocrate*, armed and manned at Philadelphia, to sail out of the Delaware River to coöperate with a force raised in our Western territory for an attack on Spanish New Orleans. He used the columns of the Republican press to inveigh against the government's "cowardly abandonment" of its friends, threatened to appeal to the nation over the head of President Washington, scolded the cabinet, and finally declared that the French "were punished for having believed that the American nation had a flag, that it had some respect for its laws [treaties], some conviction of its force, and some sentiment of its dignity." This was more than even the stanchest friends of France could endure. Jefferson joined with Hamilton in asking for the recall of the obnoxious envoy.[1]

On June 5, 1794, Congress supplemented Washington's proclamation by passing a neutrality act, which has been the basis of our policy toward belligerents ever since. It was framed on the twin principles developed by the learned Jefferson in his negotiations with Genêt; namely, "the right of every nation to prohibit acts of sovereignty from being exercised by any other nation within its limits" and "the duty of every neutral nation to prohibit such acts as would injure one of the warring powers."

The ablest exposition and defense of the Proclamation of Neutrality was made by Alexander Hamilton in a series of seven papers published in the *Gazette of the United States* over the signature "Pacificus." In them he answered the objections of the Republicans (1) that the President had exceeded his powers

[1] Genêt never returned to France. During his mission to the United States the party of the Girondists, to which he belonged, was overthrown by the Jacobins, and Robespierre was waiting to send Genêt to the guillotine. Our government magnanimously refused to give him up. He married a daughter of Governor Clinton and lived in New York to a ripe old age. In 1870 the poet William Cullen Bryant described him as he had seen him more than forty years before: "A tall man with a reddish wig and a full round voice, speaking English in a sort of oratorical manner, like a man making a speech, but very well for a Frenchman. He was a dreamer in some respects, and, I remember, had a plan for navigating the air in balloons . . . shaped like a fish and propelled by sails and guided by a rudder."

in taking out of the hands of Congress the question of deciding war, (2) that we were repudiating our just debt of gratitude to France, and (3) that the proclamation was a "sop to England," since we had not issued any such paper when France went to war with Prussia and Austria nearly a year before. Hamilton had little difficulty in showing the difference between declaring war (which lay in the power of Congress) and defining our status of peace (which was the province of the executive), or in proving that the entrance of maritime nations like England and Holland into the war had a significance for the United States far different from that of the purely continental conflict between France and the Germanic powers. As to our debt of gratitude, it was to the government of Louis XVI that we owed it, not to the violent and unstable faction that had overthrown his dynasty and shed his blood. Finally, the treaty of 1778 pledged us to aid a France attacked in its American possessions, not a France proclaiming war against the thrones of Europe.[1]

The immediate result of the war between France and England was to bring our strained relations with the latter power almost to the breaking-point. For nine years following the peace of 1783 we had been trying in vain to secure the fair execution of the treaty—the evacuation of the fur posts on the Great Lakes, compensation for the slaves carried off on British ships, and admission to privileges of trade with the British colonies. Great Britain did not deign to send us a minister till 1791; and when the minister, Mr. Hammond, came, our Secretary of State made little progress with him. England's part, Jefferson claimed, was simple. She had but to show a sign of her good faith by evacuating the fur posts. The United States had already advised the states to compel the payment of the debts which their citizens owed to British merchants:

[1] Hamilton's argument would have been strengthened by citing the attitude of the French revolutionary government itself toward treaties concluded under the old régime. In 1789 the National Assembly decided that it would not abide by the "Family Compact" of 1761 with Spain and help that nation if it went to war with England over the Nootka Sound controversy. In 1792 the Legislative Assembly asserted the right of determining which of the prerevolutionary treaties it would accept or reject.

but as this required "the action of thirteen independent states scattered over a continent," it demanded "time, temper, and tact in its attainment." Hammond made no reply to Jefferson's able and temperate note.

Such was the critical state of our relations with England when the European war broke out. The French Republic immediately threw open its West Indian ports to American trade. Great Britain, invoking the Rule of 1756, which forbade a country at war to open to neutrals ports that were closed to them in time of peace, began to seize our ships trading with the French islands. On June 8, 1793, a British order declared that "all vessels loaded wholly or in part with corn [grain], flour, or meal, bound to any port in France, should be stopped and brought into convenient harbors, and the foodstuffs on board should be sold perforce to his Majesty's government." This was followed in November by orders to seize all ships carrying the products of French colonies or carrying food supplies to the ports of French colonies.[1]

In the early months of 1794 it looked as if war were inevitable. The measure of England's offense seemed full. The news came in March of the confiscation orders of November, and with it came stories of the seizure of our ships, the condemnation of our cargoes, and the impressment of our sailors into the British service. Lord Dorchester, the governor of Canada, was reported to have made a speech to the Indians of our Northwest to the effect that war would probably break out between England and the United States within a year. A sudden treaty of peace between Portugal and Algiers, negotiated by the British consul at Lisbon in 1793, had led to the withdrawal of the Portuguese fleet from the Mediterranean, leaving American merchantmen there in the lurch. Before we could get frigates built to protect our Mediterranean commerce the Algerian pirates had muiltplied their

[1] Of course, it was not to encourage American trade that France opened her West Indian ports to us, but to save the islands from starvation when England's mighty sea power should shut off their commerce with Europe. Still it was a great opening for our ambitious merchants, and soon after the proclamation hundreds of American ships were sailing into the rich harbors of Martinique, Antigua, and Santo Domingo.

captures of American sailors tenfold. In spite of Lord Grenville's assurance of good will it was impossible, in the heated state of affairs, for Americans to believe that the withdrawal of the Portuguese fleet was "not in the least intended to injure" us. A temporary embargo was laid on commerce with Great Britain (March 26), and a nonintercourse bill failed to pass the Senate only by the casting vote of Vice President Adams. Bills were put through Congress to fortify our harbors, to build new frigates, to strengthen our artillery service, and to sanction the call of 80,000 militia from the states. Dayton of New Jersey proposed a virtual declaration of war in a motion to sequester money owed by our merchants to creditors in England, as a compensation for the seizure of our vessels by British cruisers. Men were beginning to drill in our seaports. "There is a panic," wrote John Adams, "lest peace should prevail."

War with England in 1794 would have been a national calamity. We were just recovering from the ravages of the Revolution and the critical period which had followed. We had no navy to defend our commerce. Our borders were vexed by constant raids of hostile Indians. A pioneer wrote to Secretary Knox in 1790 that 1500 persons had been killed by Indians in Kentucky or on the way thither. In the Ohio region they had inflicted a terrible defeat on General St. Clair in 1791—a defeat still unrepaired when the European war broke out. The discontent of the back-country farmers of Pennsylvania with the excise was gathering in the storm that burst in the Whisky Rebellion of 1794. We needed peace to set our house in order. Furthermore, a war with England would have had disastrous economic effect. In December, 1793, Jefferson sent to Congress an elaborate report of our foreign trade. The figures for the four leading commercial countries of Europe were as follows:

	Exports to	Imports from	Total
Great Britain	$9,363,416	$15,285,428	$24,648,844
France	4,698,735	2,268,348	6,967,083
Holland	1,963,880	1,172,692	3,136,572
Spain	2,005,907	335,110	2,341,017

To go to war with England in the face of these figures would be to quarrel with our bread and butter. England furnished us with more than three fourths of the dutiable goods from which our national revenue was collected.

Finally, war with England might have meant the dissolution of the republic. Our people were divided into hostile factions, for the cleft between Federalists and Republicans opened by Hamilton's financial program was widened by foreign partisanship. The Federalists admired the stability of the British constitution and were inclined by political conviction, by social instinct, and by economic interest to an alliance between the government and "the rich, the well-born, and the able." They hated the "horrid principles of Jacobinism, which proceeding from one excess to another had made France a theatre of blood." They believed that, in spite of England's nonfulfillment of the treaty of 1783, we must keep on good terms with the nation which furnished the bulk of our commerce. On the other side, the Republicans, disdaining the argument of the pocketbook, appealed to the sentiments of generosity and gratitude in America. France had sent us men, ships, and money to help secure our independence. France was our ally now, and England a surly neutral. France was a republic, proclaiming the end of the reign of despots and of the privileges of aristocrats in the Old World as we had proclaimed it in the New World. France had thrown open her ports to us, while England forbade us to use them. Should we treat our enemy better than our ally? We had dismissed Genêt for overstepping the bounds of propriety, but we tamely allowed England to retain our fur posts, to seize our ships, and to impress our sailors. If the French faction did not want war with England, at least they were willing to go to the very verge of war.

But Washington was determined to have peace. In April, 1794, he appointed John Jay, Chief Justice of the Supreme Court, as special envoy to Great Britain to negotiate a treaty. Jay labored several months with Lord Grenville before he could bring back even the moderate terms contained in the treaty which bears his name. The British agreed to give up the fur

posts by June, 1796. The claims of England on account of the debts whose collection had been interfered with by the states, and the claims of the United States for damages arising from the violation of their neutral rights, were both to be referred to commissions of arbitration. Trade with the East Indies was freely opened to the United States, but only meager concessions were granted in the West Indian trade. Our ships could not be above seventy tons' burden and they might not carry any molasses, sugar, coffee, or cotton from the islands or from the mainland to any foreign port. On the question of stolen slaves, the stoppage and search of our vessels, and the impressment of American sailors the treaty was silent.

Jay brought home the treaty in the spring of 1795, and the Senate in extra session ratified it (except for the objectionable Article XII on the West Indian trade) by the bare two-thirds majority necessary. When this "treaty of amity, commerce, and navigation" was published, it raised a storm of protest in the country. John Jay, a statesman "as pure as the ermine of the judicial robe which clothed his shoulders," was accused of having sold his country to England. He was burned in effigy from Boston to Charleston. The merchants of the North were indignant over the commercial clauses, and the planters of the South over the failure to secure compensation for the slaves, the provisions for the settlement of their debts to British merchants, and the inclusion of cotton in the list of commodities which could not be exported to Europe.[1] Hamilton was stoned in the streets of New York for defending Jay's integrity in the face of an angry crowd. Washington was vilified by the Republican press in such terms as he said "could scarcely be applied to a Nero, to a notorious defaulter, or even to a common pickpocket."

[1] It is one of the curious coincidences of history that in the very days when Jay's Treaty was being negotiated Eli Whitney was securing the patent for his cotton gin—the invention which was destined to make cotton the most important of our exports for more than half a century. As most of the debt to British creditors was owed by the South (Jefferson thought that "Virginia owed near as much as all the rest of the states together"), the significance of the prohibition of the export of cotton to British ports can be readily seen.

Nevertheless, the Jay Treaty, as an alternative to war, was a wise and statesmanlike measure. It was also the harbinger of good news from other quarters. While Jay was in the midst of his negotiations with Grenville, "Mad Anthony" Wayne had completely routed the Indians under "Little Turtle" and Tecumseh at the battle of the Fallen Timbers near the eastern end of Lake Erie (August 20, 1794), and so wiped out the disgrace of St. Clair's defeat three years before. The treaty of Grenville followed a year later, by which the Indians gave up all claim to the rich bounty lands and company grants which composed over half the present state of Ohio. A treaty with the Creeks and Cherokees in the South (October, 1795) brought peace from one end of the frontier to the other for the first time since Pontiac's great conspiracy of 1763.

This same eventful year of 1795 saw also the danger of the secession of our Western territory averted by the conclusion of a treaty with Spain. Thomas Pinckney, our minister to London, was sent as special envoy to the court of Madrid, to take up negotiations over the navigation of the Mississippi and the boundaries of the Floridas at the point where Jay and Gardoqui had left them a decade before (see page 126). Pinckney arrived at Madrid at a favorable moment. Don Manuel de Godoy, the all-powerful minister, had just concluded a treaty with the French Republic which won him the title of "Prince of the Peace" and which exposed his country to the danger of a war with England—a danger which he saw enhanced by "the treaty which unknown to us the English cabinet has negotiated with the United States of America" (the Jay Treaty). To insure our neutrality, therefore, and to flatter still further his own inordinate vanity, Godoy signed the Treaty of San Lorenzo with Pinckney (October 27, 1795). Spain recognized the thirty-first parallel of north latitude as the boundary between the United States and Florida, promised to restrain the Indians from attacking our borders, and gave us full and free right to navigate the Mississippi to the Gulf of Mexico, with the privilege of transshipping from river boats to ocean-going vessels at New Orleans (or some other port of deposit) free of duty. It was

the concession of every point that we had demanded of Spain since the Revolution.

The only European nation with which our relations grew worse instead of better during the closing years of Washington's administration was our old ally France. It seemed as if an evil genius intervened between the two republics in the last decade of the eighteenth century, to sow misunderstanding, suspicion, and discord. Gouverneur Morris, Washington's first minister to France, was as little acceptable to the radical leaders in Paris as their minister Genêt was to us. Morris was a high Federalist, an intimate in the circles of the court and the aristocracy, and a personal friend of King Louis XVI. From time to time rumors reached our shores that he had been seized by the Jacobins and guillotined. His recall was demanded as an offset to Genêt's (1794), and Washington sent in his stead James Monroe of Virginia, with instructions to "show our confidence in the French Republic without betraying the most remote mark of undue complaisance." Monroe was as pronounced a Republican as Morris was a Federalist. At his reception by the Convention, instead of presenting his credentials with the customary expressions of polite formality, he made a warm speech complimenting the republican army on its recent victories and praising the Jacobin government. He was embraced by the president of the Convention with the fraternal kiss amid thunders of applause.

John Jay was busy across the channel negotiating his treaty with Lord Grenville when Monroe arrived in Paris. With more zeal than discretion Monroe assured the French government that Jay's business was only to settle the disputes over the fur posts and the stolen negroes; that there would be no commercial treaty made between the firm ally and the bitter enemy of the French Republic.[1] When, therefore, the terms of the Jay Treaty

[1] It seems as though Monroe was justified in holding this belief, however unwise he may have been in expressing it. For Jay in his instructions had been warned against "allowing the British government to detach us from France or to derogate from our treaties and engagements with that nation." Moreover, Monroe's own instructions contained such sentences as these: "You may

were known at Paris, indignation was intense. Monroe, chagrined, tried to hold back the French government from "ungentle remonstrances." The treaty, though ratified by the Senate, might still be made inoperative by the refusal of the House, in which there was a Republican majority, to appropriate the money to establish the joint tribunals which the treaty called for.[2] The Directory (as the executive board of five men at the head of the French Republic was called) informed Monroe bluntly that the moment the Jay Treaty should have the sanction of Congress the alliance with America was at an end. True to its word, the Directory issued a decree in July, 1796, that the Republic would "treat neutral vessels [American] in the same manner as they suffer the English to treat them." Although the French minister Adet remained in this country, his government suspended relations with us until the United States should "return to sentiments and measures more conformable to the interests of the alliance and sworn friendship between the two nations."

Meanwhile Monroe was recalled for disobeying his explicit but difficult instructions to explain our relations with England in a way satisfactory to the French Directory, and returned home to pour out his complaint against the Federalist administration in a labored but not very convincing apology of over five hundred pages. His successor, Charles C. Pinckney, a Federalist from South Carolina, was not only not recognized by the Directory but was not even given the "card of hospitality" which would allow him to remain on French soil. He retired to Amsterdam (February, 1797). When the news reached America that her regularly appointed minister to the foremost power of continental Europe had been treated like a common spy, John

declare the motives of that mission [Jay's] to be to obtain immediate compensation for our plundered property and restitution of the posts," and "You will be amply justified in repelling with firmness any imputation of the most distant intention to sacrifice our connection with France to any connection with England."

[2] It was not until April, 1796, that the appropriation was actually carried through the House by the narrow vote of 51 to 48, after a most eloquent plea by Fisher Ames of Massachusetts.

Adams, who had just succeeded Washington in the presidency, called a special session of Congress and in his opening speech declared that France had "treated us neither as allies nor as friends nor as a sovereign state" and that we must convince her and the world that "we are not a degraded people humiliated under a colonial spirit of fear." But still Adams decided, and both houses of Congress agreed, to try a fresh attempt at negotiation "on terms compatible with the rights, duties, interests, and honor of the nation." He appointed John Marshall, a Federalist of Virginia, and Elbridge Gerry, a Republican of Massachusetts, to join our minister Pinckney in Paris, where they were all courteously received by the foreign minister Talleyrand (October 8, 1797).

But presently the three envoys were subjected to the most outrageous treatment. Certain gentlemen called on them in an unofficial capacity, yet giving them to understand that they represented the views of the French government. These visitors, who were undoubtedly the secret envoys of Talleyrand, demanded three things as a preliminary to the opening of the negotiations: first, some passages in President Adams's speech to Congress must be apologized for; second, the United States must extend a loan to the French Republic, which it might do by buying up at par certain Dutch obligations to France which were selling at a discount of 50 per cent; third, a little matter of $250,000 must be quietly slipped into the hands of the Directors. The American commissioners at first hardly grasped the meaning of these preposterous propositions; but when the envoys said plainly, "You must pay money," they replied as plainly, "No! not a penny!" After waiting three months in vain for any move on the part of the French government, the Americans asked to be allowed to return home. Talleyrand prevailed by some flattery on the Republican member, Gerry, to stay for further negotiations, and Gerry consented to stay and be fooled for a few months longer by that prince of diplomatic liars and bullies. Marshall returned immediately to the United States, and Pinckney was allowed to take his sick daughter to the south of France.

When President Adams sent the dispatches of the French Commissioners to Congress (April 3, 1798) and published them to the nation,[1] Republicans united with Federalists in a policy of preparation for the war which the folly of the French Directory seemed determined to precipitate. Harbors were fortified, a Navy Department was created (with Benjamin Stoddert of Maryland as its first secretary), new frigates were built, the army was enlarged, and Washington was called to the chief command, with Hamilton as his ranking major general and commander in the field. A new tax on dwellings and slaves was levied to yield $2,000,000, while a loan for $5,000,000 more was authorized, for which our straitened government had to pay 8 per cent. The French treaties of 1778 and the consular convention of 1788 were abrogated. American privateers were authorized to seize French prizes on the high seas. War was not actually declared, but a state of war existed. Before we finally came to terms with the French Republic our commanders Decatur, Barry, Truxton, Bainbridge, Porter, and Hull had captured over eighty armed vessels flying the tricolor. In the midst of our war preparations in the midsummer of 1798 John Marshall returned from France with the first verbatim report of the indignities to which the commission had been subjected. He was fêted at dinners where Joseph Hopkinson's new song "Hail, Columbia" was shouted and the toast "Millions for defense, but not one cent for tribute" was greeted with cheers. Adams forwarded Marshall's papers to Congress with the spirited message, "I will never send another minister to France without the assurance that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation."

The French Republic did not want war with the United States. Our trade was too valuable to her West Indian islands, which, cut off from European commerce by the British fleet and given over wholly to the production of sugar and coffee,

[1] In the dispatches as published by Secretary of State Pickering the names of the French envoys were suppressed, and the men were designated simply as Messrs. X, Y, and Z. Hence the incident is called "the X Y Z Affair."

had to be fed by the United States. Talleyrand wanted only to levy blackmail on our government and bully us out of our treaty with England. When he saw the effect of his behavior, this political chameleon quickly changed his color. He feigned surprise and indignation at the conduct of the agents whom he had sent (doubtless with his own instructions) to the American commissioners. He repudiated them and all their works. He sent word to William Vans Murray, our minister at The Hague, that he was anxious to treat with America on an amicable basis, and gave assurances in Adams's own words that any minister sent by the United States would be treated "as the representative of a great, free, powerful, and independent nation."

President Adams wanted war no more than Talleyrand. Apart from seeing his personal rival Alexander Hamilton leading the armies of the United States, there were public reasons of great weight. Spain had made her treaty with France, but was dilatory in carrying out her treaty with us (see page 177). War with France would probably involve us in war with Spain, and war with Spain would mean the reopening of the whole question of the allegiance of our Western country. How precarious the situation was can be seen from a letter written by Fisher Ames to Hamilton in January, 1797: "The western country scarcely calls itself dependent on the Union. France is ready to hold Louisiana. The thread of connection is slender, and that event I fear would break it." We should have to invoke the aid of Great Britain as the only country able to protect our shipping against France and Spain, and so we should be plunged into the midst of the European wars and become a pawn in the game of the European peace.

It took courage in John Adams, when the country was ringing with preparations for war, to choose peace. Hamilton, the powerful head of a faction opposed to the President, and the real master of the two chief cabinet officers, Pickering and Walcott, wanted war.[1] Adams, therefore, without consulting

[1] Hamilton planned to coöperate with a Venezuelan adventurer by the name of Miranda in freeing the Spanish colonies in South America and bringing them under Anglo-American influence to balance the power of France. Hamilton

his cabinet (as, indeed, he was not legally bound to do), sent to the Senate for confirmation, on February 18, 1799, the name of William Vans Murray as minister to the French Republic. In order to get the Senate's sanction he was obliged to substitute a commission for the single minister. He named Oliver Ellsworth, the Chief Justice of the Supreme Court, and William R. Davie of North Carolina (after Patrick Henry had declined) to join Murray at the French capital. Secretary Pickering, "shocked and grieved" at this sudden assertion of the presidential prerogative, was able to delay instructions to the new commission until Adams came down in person to Philadelphia, from his summer vacation in Massachusetts, to see the matter through. The envoys sailed early in November, 1799.

They were but four days out from port when one of the most dramatic scenes of modern history was enacted at Paris. Napoleon Bonaparte, returning from Egypt with the aureole of victory about his head, overthrew the corrupt Directory and drove the protesting deputies of the French Assembly out of their chamber at the point of the bayonet. This famous *coup d'état* made Napoleon master of France. He took the title of First Consul. It was to the "man of destiny," then, and not to the "five-headed monster of anarchy" (the Directory), that the American commissioners were presented early in April, 1800. Their task was not hard, for Napoleon was well disposed. He was not concerned with the intrigues of the party in Paris which, ever since the mission of Genêt, had been attempting to nourish a French faction in the United States. He wanted to inaugurate his usurped régime with splendid military victories and generous diplomatic triumphs. On September 30, 1800, a convention was signed providing for the exchange of consuls and the regulation of maritime relations

wrote to Miranda in August, 1798: "The plan, in my opinion, ought to be a fleet of Great Britain and an army of the United States, and a government for the liberated territory agreeable to both the coöperators, about which there will be no difficulty. To arrange the plan a competent authority from Great Britain to some person here is the best expedient. Your presence here in that case will be extremely essential. We are raising an army of about 12,000 men."

between the two nations. The First Consul did not insist on the renewal of the treaties of alliance and commerce of 1778, but, as an offset, he refused to entertain claims for damages done to our shipping by French cruisers in the Franco-British wars. It was a fair bargain. It saved us from a war with France, and by making us friends with the victor of Marengo it undoubtedly contributed to our peaceful acquisition of the vast Louisiana territory three years later. The credit for the treaty is due to John Adams, who dared to use his authority for the most unpopular act that an executive can perform; namely, to hold in peace a nation that is set on war. He appraised his public services rightly when he asked that this one alone should be engraved on his tombstone.

So the century closed with the United States at peace with all the three great powers whose interests and possessions in the New World and whose wars and rivalries in the Old World threatened to reduce our country to the condition of a mere make-weight in the balance of European politics. Factions at home had thrown us now into the arms of France and now into the arms of England, while Spanish intrigue threatened to disrupt the Union by the severance of our Western states. Two of the treaties made in this decade of Federalist power (the Jay Treaty of 1794 and the French treaty of 1800) saved us from imminent war. A third (the Pinckney treaty of 1795) secured us the use of the Mississippi and so opened our trans-Allegheny region to world commerce. To the remarkable abilities and patient labors of the diplomats of Washington's and Adams's administrations—Morris, Marshall, Murray, Jay, Ellsworth, and the Pinckneys—America owes a debt of deepest gratitude. They did a large part in bringing the country safely and honorably through the most difficult and dangerous decade, with one exception, in all its history since the adoption of the federal Constitution.

The Downfall of Federalism

Before Governor Davie returned from Paris with the Napoleonic convention which settled the long dispute with France and enabled us to enter the new century at peace with the world,—a troubled peace which was to last until our second war with England,—an event of prime importance had happened at home in the triumph of the Republican party at the polls. The election of 1800 was, with the exception of Abraham Lincoln's victory in 1860, the most important in our history. It was not only the first party revolution in America; it was also the culmination of a ten years' struggle of the agricultural class, the small traders, and the artisans, under the leadership of Thomas Jefferson, against the monopoly of public office and the direction of national policy by the aristocratic followers of Hamilton, Washington, and Adams. In the last section we carried the history of our foreign diplomacy down to the close of John Adams's administration. We must now turn back to complete the story of our domestic affairs in the last decade of the eighteenth century.

So long as Washington was at the head of the government universal reverence for the Father of his Country kept the fires of political passion from bursting into flame, although, as Fisher Ames said, "they glowed beneath the surface like a burning coal pit." Every measure adopted for the establishment of the Hamiltonian policy of national concentration, every move in the diplomatic game with Great Britain and France, intensified the antagonism between the Federalists and the Republicans, the "Anglomen" and the "Jacobins." The Federalists were firmly intrenched in the administration, while the Republican opposition, though widespread, was unorganized. "Are the people in your quarter as well contented with the proceedings of our government as their representatives say they are?" wrote Jefferson to Richard H. Lee in 1791; "there is a vast mass of discontent gathered in the South, and when and how it will break God knows."

At the close of the year 1793 Jefferson resigned from the cabinet. He professed to have done with politics and talked of planting his cabbages in peace at Monticello. But even if his own restless political mind had allowed him to abjure politics, he was too thoroughly committed to the leadership of the Republican cause to withdraw. He began forthwith an ardent campaign to organize the "vast mass of discontent," not only in the South but all over the land, into a political party. "Almost never," says Professor Channing, "has a party been so efficiently and so secretly marshalled and led." Jefferson kept up an enormous correspondence with his coworkers from Massachusetts to Georgia. He pursued his patient propaganda, making a gain of one hundred Republican votes in this county or half a dozen Republican seats in that legislature. He did not himself write for the public, but he laid the pens of able pamphleteers like Madison, Monroe, Giles, and John Taylor under contribution, while he encouraged journalists and hack writers to attack the Federalist doctrines and the Federalist leaders with little scruple for the niceties of language. As leader of the opposition, he watched the march of the administration with jealous scrutiny, discovering the cloven hoof of the "monocrat" at every step.

A few months after Jefferson's resignation the farmers of western Pennsylvania broke into open revolt against the tax-gatherers sent to collect the excise on their whisky.[1] It was the first instance of forcible resistance to the new federal government, and both Washington and Hamilton were determined to crush it with exemplary severity. The President called out 15,000 militia from the states of Pennsylvania, Maryland, New Jersey, and Virginia and marched with them himself as far as the town of Bedford, Pennsylvania, leaving Hamilton in command. "No citizen of the United States," wrote Washington on quitting the expedition, "can ever be engaged in a service

[1] Currency in the form of either specie or bank paper was as scarce as grain was plentiful in the back counties. It cost so much to transport the grain over the poor roads to the East that the farmers found it more profitable to distill their corn and rye and use the liquor as currency.

more important to their country. It is nothing less than to consolidate and preserve the blessings of that Revolution which at much expense of blood and treasure constituted us a free and independent nation." The insurgents broke up when they heard that a force three times as large as they could hope to resist was marching on them. Some of the ringleaders of the "rebellion" were arrested and tried, and two were condemned to death for treason. Washington pardoned them; but in his speech to Congress a few weeks later he threw the blame for the uprising on the "self-created societies" of Democrats which had multiplied rapidly in the country since the visit of Citizen Genêt.

The Republicans under Jefferson's lead attacked the policy of the government in the Whisky Rebellion at every point. In the first place, the excise was an "infernal tax," imposed on the farmers for the benefit of the capitalists and unnecessary were it not for the swollen interest charges with which the fictitious debt had burdened the people. Furthermore, it was disgraceful for a government founded on the will of the people to send thousands of armed troops against a few hundred of its own discontented citizens and to magnify a local "riot" into a civil war, in order to allow Alexander Hamilton to parade his "janissaries." Finally, where was our boasted freedom, if men were to be condemned for meeting in "self-created societies" to criticize freely the acts of the public servants whom they had elected? Democracy itself was a "self-created society." It would be at an end when the people were reduced to silence under the censorship of an autocratic, capitalistic, and military régime. "It is wonderful," wrote Jefferson, "that the President should have permitted himself to be the organ of such an attack on our fundamental liberties." Had he forgotten the "self-created societies" of patriots who had met at Faneuil Hall and the Raleigh Tavern?

The treaty which Jay brought back from England in the spring of 1795 (see page 175) furnished further political capital for the Republicans. They had been accused of obsequiousness to France at the time of the Genêt mission; now they could visit a like reproach on the heads of their opponents. "Mr. Jay

has not presented his country's injuries in a firm style," wrote a Republican lawyer of Virginia to Madison, "but has supplicated the benevolence of his Britannic Majesty for relief." The treaty, said Jefferson, was "an execrable thing," and really nothing less than "an alliance between England and the Anglomen of this country against the legislature[1] and the people of the United States." In their fight to prevent the ratification of the treaty and the appropriation of funds needed to carry it into effect, the Republicans abused the people of Great Britain in unmeasured terms and charged the government of Great Britain with perfidy and violence. In the single year following the ratification of the treaty, the Republican press asserted, British cruisers had seized 300 American vessels and impressed 1000 American sailors. The only result of the monocrats' toadying to Great Britain had been to alienate our only friend (France) without conciliating our most dangerous enemy (England).

When the House finally appropriated the money for the execution of the Jay Treaty (April 30, 1796), men's minds were already turning to the presidential election. Washington refused to serve a third term. It is not likely that he would have again received the unanimous indorsement of the country if he had stood. For with the resignation of the Republican members of the cabinet (Jefferson and Randolph) he had become a strict Federalist, declaring to General Knox in 1795 that it would be "suicidal" to the administration to appoint to office any man who was out of sympathy with its policies. He published a Farewell Address (September 17, 1796), in which, speaking out of the bitter experience of the last four years, he warned his fellow countrymen "to steer clear of permanent alliances with any portion of the foreign world" and to shun the destructive effects of the spirit of faction at home. But the latter counsel fell on unheeding ears. The

[1] Jefferson is here referring to the bill for nonintercourse with Great Britain which was passed in the House of Representatives (the legislature) in the spring of 1794, but was defeated in the Senate by the casting vote of Vice-President Adams.

Republican press rejoiced openly that at last the name of Washington was to "cease to give currency to political iniquity" in covering the nefarious policies of Federalism with its ægis; and certain Republican members of Congress, including Andrew Jackson, refused to vote the usual complimentary reply to the President's annual message. The Federalists were still strong enough to carry the election of 1796, although their candidate, John Adams, had but a single vote beyond the bare majority in the electoral college. Thomas Pinckney of South Carolina was put forward by the Federalists for vice president, but, as several of the New England electors refused to write his name on their ballots with Adams's, his vote fell behind Jefferson's. The figures were Adams 71, Jefferson 68, Pinckney 59. As the Constitution then stood (Art. I, sect. 2, par. 2), the Federalist Adams became president and the Republican Jefferson vice president.[1]

John Adams was in his sixty-first year—robust, rotund, learned, consequential, and fully conscious of his merits, which were great. Coming into prominence as one of the earliest advocates of the independence of the colonies in the Continental Congress, he had labored for a quarter of a century in public station for the establishment of the American Republic, serving on dozens of committees in Congress, a member of the peace commission of 1783 at Paris, and the first minister of the new republic at the courts of the Netherlands and Great Britain. He had nominated George Washington for commander of the continental army and recommended Thomas Jefferson as draftsman of the Declaration of Independence. In his "Defense of the Constitutions of Government of the United States," written while he was at the court of St. James, he had furnished European political students with the first elaborate and scholarly description of the "mixed" form of

[1] The New England electors "scratched" Pinckney because of a rumor that Alexander Hamilton, who was hostile to Adams, would influence a few Federalist electors in the South to "scratch" Adams and thus allow Pinckney to be returned as president. Thus Hamilton's little trick to keep Adams out of the presidency resulted only in putting Jefferson into the vice presidency.

government in the American democracy. John Adams's patriotism, rectitude, and courage were beyond question, but he was pompous, intractable, and vain. His mind, open wide to the learned discussion of political theory, narrowed to an undeviating, rectilinear obstinacy in the execution of political authority. The large receptivity and sustained power of balanced judgment which characterized George Washington were lacking in Adams. A "republican" after the pattern of his great masters Milton, Sidney, Locke, and Harrington, he was a convinced believer in government by the "natural aristocracy," "the rich, the well-born, and the able," the men who had property and reputation at stake. He feared the tyranny of the masses as much as he abhorred the tyranny of the despot. The "people," he believed, are the very worst guardians of their own interests, being ignorant, fickle, and easily led by clever demagogues. Hence "simple democracy" (untempered by the aristocratic element) was to him the "most ignoble, unjust, and detestable form of government, its only excellence being that it soon passes away." A certain ungraciousness of manner, running into querulous suspicion when he was thwarted, made it difficult for Adams to command the best services of his subordinates—even reluctant at times to care to command them. Preoccupied with his own rectitude, he sought less and less to reconcile and harmonize conflicting views in his cabinet, his Congresses, and his party. He ended by glorying in his independence of them all.

The difficulties which confronted John Adams on his inauguration in the spring of 1797 were enough to try a man of consummate tact and patience. Now that criticism of Federalist policies could no longer be interpreted as slanders on the Father of his Country, political passions broke loose in a storm of abuse. Men who had known each other for years, wrote Jefferson, crossed the street to avoid saluting each other. Statesmen of high reputation rivaled the scurrilous hack writers of the yellow press in the vehemence of their language; "fire eating salamanders," "poison sucking toads," "venomous serpents," were some of the choice epithets which Fisher Ames

JOHN ADAMS IN COURT DRESS

(From the painting by Copley in Memorial Hall, Cambridge)

bestowed on his Republican opponents. There was faction, too, within the ranks of the Federalists. Hamilton, although retired to private life, aspired to be "the power behind the throne." He wielded enormous influence over the chief cabinet officers,—the Secretaries of State, Treasury, and War (Pickering, Walcott, and McHenry),—whom Adams, perhaps out of filial respect for Washington, unwisely retained until near the close of his term. These men antagonized the President, betrayed cabinet secrets, and almost openly took their orders from Hamilton. "Either nothing will be done," wrote Walcott to Hamilton on the occasion of an important conference on foreign policy, "or your opinion will prevail." Pickering actually apologized to Hamilton for measures taken by the President which the cabinet were not able to prevent. Hamilton disliked Adams on personal grounds for his puritanism and pretentiousness. He also knew that Adams was no friend to the funding measures, being neither a stockholder nor a speculator in government securities, and that he disliked a commercial and financial plutocracy as much as he did a "simple democracy." But most of all he resented the President's standing in the way of his military ambitions, when it appeared certain that war with France would give him the opportunity of joining the American army with the British fleet in wresting the South American republics and the region of the Gulf of Mexico from Spanish rule and posing as the patron of a government consolidated in an imperialistic policy.[1]

When our indignation with France over the X Y Z Affair was at its height in the summer of 1798 and we were increasing our appropriations for fortifications, arms, and ships, the Federalist Congress passed a number of acts which historians have unanimously condemned as vindictive, rash, arbitrary, and futile. Since most of the immigrants who came to our shores were radicals who swelled the ranks of the Republican party, a Naturalization Act was passed (June 18) requiring all aliens who had come over since 1795 to live in this country fourteen years before they could obtain citizenship, to which must be added

[1] For Hamilton's scheme, see page 182, note.

the seven or nine years prescribed by the Constitution before they could be eligible for Congress. A few days later (June 25, July 6) came Alien Acts: one giving the president power at his discretion for a period of two years to remove from the country any alien whom he judged dangerous to our security, and to punish with imprisonment those who remained or returned in defiance of his decree; the other empowering him to arrest or deport enemy aliens in time of war. Finally, a Sedition Act (July 14), to run to the end of Adams's term, punished with heavy fines and long imprisonment any person found guilty by the federal courts of "combining and conspiring to oppose the execution of the laws, or publishing false or malicious writings against the President, Congress, or the government of the United States." Harsh as these acts were, they did not satisfy the extreme Federalists. Harper of South Carolina, the administration leader in the House, would have shut the door to American citizenship in the face of the alien. "It is high time," he said, "to recover from the mistake with which we set out under the Constitution of admitting foreigners to citizenship, for nothing but birth should entitle a man to this privilege." The Sedition Act, as first introduced into the Senate by James Lloyd of Maryland, declared that every Frenchman was an enemy of the United States, and that to give a Frenchman aid or comfort was treason punishable with death. To such folly can panic lead![1]

It is true that England and France both had severe repressive laws at this time. England had suspended the Habeas Corpus Act, forbidding seditious meetings, and prosecuted a number of "agitators" who invoked their "natural right" of free speech. The French Republic would not allow an alien to remain within its borders without the sanction of the author-

[1] It is only fair to say that the two great Federalist leaders Hamilton and Marshall opposed this extreme legislation. Hamilton wrote to Walcott (June 29), "Let us not establish tyranny; energy is a very different thing from violence." Yet Hamilton was in favor of having libels, when leveled at the officers of the United States, cognizable by the federal courts, so that the reputation of the officers of the general government "might not be left to the cool and reluctant protection of the state courts, always temporizing and sometimes disaffected."

ities (see the case of Pinckney, p. 179). But there was no need for such measures in America. We were at peace when the offensive acts were passed. We were thousands of miles removed from the storm centers of Europe. There was as little danger of seeing a French army on our shores, President Adams remarked testily to Secretary McHenry, as there was of seeing one in heaven. The Republican leaders like Jefferson, Madison, Gallatin, and Mason were no more connected with French plots or Jacobinical intrigues to ruin our country than were their Federalist opponents. All were sincere patriots, differing only (even if differing boisterously) on measures of American policy domestic and foreign.[1]

The Alien and Sedition Acts met with instant condemnation by the Republicans. In the House, Livingston protested that "they would have disgraced the age of Gothic barbarity," and Gallatin reminded the Federalists of the consecrated principle of English liberty from Milton to Burke, that "error can be successfully opposed by truth with argument as the weapon." Jefferson, who from his point of vantage in the vice presidency kept his party lieutenants informed of the temper of the administration, wrote to Stephen Mason that he believed the acts to be "merely an experiment on the American mind to see how far it will bear an avowed violation of the Constitution." If they should be accepted by the American people, he thought, they would be followed by acts making the presidency a life tenure and finally a hereditary dignity like the British crown. "I fancy," he added, "that some of the State legislature will take strong ground on this occasion." Yet when John Taylor of Virginia, an ardent Republican pamphleteer, suggested the secession of Virginia and North Carolina from the Union, Jefferson rebuked him in language that would have done credit to a Webster or a Lincoln.

[1] President Adams, much to the disgust of the ultra-Federalists, declined to make a single arrest or deportation under the Alien Acts. Ten Republican editors were punished by the federal courts under the Sedition Act. The results of this policy of panic were entirely incommensurate with the excitement aroused. "In pursuing the offending bee the Federalists knocked over the hive."

Jefferson prepared a set of resolutions against the acts for the legislature of North Carolina, but when unexpected Federalist strength developed in that state in the autumn of 1798, he transferred them to the legislature of Kentucky, where they were introduced by John Breckinridge on November 10 and immediately adopted. The Kentucky Resolutions, nine in number, declared that our federal government had been created by a compact between the states and was not the exclusive or final judge of the extent of the authority delegated to it, since "that would have made its discretion and not the Constitution the measures of its powers." The general government having been given no power to define or punish common-law offenses, but only those crimes defined under the Constitution, the legislation of the summer of 1798 was usurped in principle and "altogether void and of no effect." Furthermore, it contravened several positive provisions of the Constitution, such as the guarantee of free speech and a free press (Amendment I), the protection against deprivation of life, liberty, or property without "due process of law" (Amendment V), trial by jury (Art. III, sect. 2, par. 3), and the prohibition of Congress to interfere before the year 1808 with "the migration or importation of such persons as any of the States now existing shall think proper to admit" (Art. I, sect. 9, par. 1). The legislature of Kentucky called upon the legislatures of the "co-states" to concur in declaring the offensive acts "void and of no effect" and in uniting with her "in requesting their repeal at the next session of Congress." A few weeks later Madison introduced resolutions of the same tenor into the Virginia legislature. Without actually pronouncing the acts "void," Madison's resolutions contended that when the government exercised powers not granted in the compact, the states "have the right and are in duty bound to interpose for arresting the process of the evil." Whether the "interposition" should take the form of petitions to Congress or processes in the courts or an amendment to the Constitution or forcible resistance to the execution of the acts, the Virginia Resolutions did not say. But many years afterwards Madison denied that there had been any idea of forcible resistance in

either his or Jefferson's mind. "The Resolutions were for political effect," he said, "intended as a party platform to arouse the Republican sentiment throughout the country and secure a general condemnation of the Federalist centralization." When all the states north of the Potomac sent unfavorable replies to the invitation of the Kentucky legislature, and the states south of the Potomac sent none at all, the legislature contented itself with reaffirming its protest (November, 1799), this time declaring explicitly that "nullification by state sovereignties" of all unauthorized acts of Congress was "the rightful remedy."

The Kentucky and Virginia Resolutions furnished fine campaign material for the Republicans in the election of 1800, as the astute Jefferson had foreseen. Their principles were widely disseminated and gave rise to reports by several state legislatures. Vermont repudiated the "compact theory" in an elaborate argument. A committee of the Maryland House of Delegates denied the competence of a state legislature to declare an act of Congress void. The Federalist pamphleteer Cobbett lamented "the imbecillity of our form of government," which was "a jingling and chaotic confusion of federal and state governments." On the other hand, the Republicans maintained that if the states had no right to judge when the Constitution was violated by an act of Congress, they were reduced to mere provinces in a consolidated empire and might as well cease to elect and pay their legislatures. They would soon become, as Taylor said, only "speculative commonwealths to be read for amusement, like Harrington's 'Oceana' or More's 'Utopia.'"

As the presidential campaign of 1800 approached it was evident that the election would be bitterly contested. The Federalists had a large majority in Congress, elected during the war fever of 1798. The offices, of course, were in their hands. But, on the other side, the Republicans were no longer the unorganized mass of farmers and artisans that they had been when Jefferson resigned from the cabinet. The tireless propaganda of the vice president and his party managers had begun to bear fruit. A strong Republican organization flourished in New York, in spite of the factional quarrels of the

Livingstons, the Burrs, and the Clintons. Thomas McLean carried the state of Pennsylvania against his Federalist opponent Ross by a sweeping majority in the election of 1797. Even the sacred citadel of Federalism, New England, was rudely invaded by the "Jacobins." "A considerable change is working in the minds of the people to the Eastward," wrote Jefferson to Madison. In Massachusetts the vote for the Republican candidate for governor rose from 8000 in 1797 to over 17,000 in 1800, and the Federalists were obliged for the first time to issue election addresses to the "friends of society, religion, and good order" to support the administration. The Federalist majority in the legislature of Vermont was reduced in the election of 1800 from over 100 to 34. New England still remained in the Federalist column, but the grip of the old aristocracy was loosened. There was an enormous increase in electioneering and popular meetings. The vote for governor in Massachusetts increased over 80 per cent in the years 1798–1800.

The Federalists labored under severe difficulties. As the danger of a serious conflict with France waned, prosecutions under the odious Sedition Act took the form of persecutions. In the exciting days of 1798 Congress had authorized a direct tax of $2,000,000 on lands, dwellings, and slaves, supplemented by new stamp duties and a loan of $5,000,000. When Congress met in the autumn of 1799, the military ardor of the previous year had cooled. The loan was reduced to $3,500,000. But falling import duties had reduced the revenue by $1,000,000, while the expenses of government mounted from $6,000,000 in 1797 to $9,300,000 in 1799. The effect of the direct taxes was already beginning to be felt. John Fries, an auctioneer in Pennsylvania, led a riot against federal officers who came to assess the window tax. The farmers shot the officers in the legs, and women poured scalding water down on their heads. Order was not restored until the militia was called out. The Republicans made capital out of the economic situation. "The physician for the country's ills is already at hand in the person of the tax gatherer," wrote Jefferson. Monroe scored the administration for "preparing for a war which does not exist, and

expending millions which will have no other effect than bringing war on us." Their position was strengthened when the offers of conciliation came from France and Adams appointed his second commission (see page 183). In February, 1800, enlistments were suspended, and the next month the army was disbanded. Nothing that the Federalist Congress could have done would have contributed more to the success of the Republicans than these acts. By them, as Professor Bassett well says, "the campaign of 1800 was robbed of that warlike front behind which the Federalists for two years had found it so profitable to hide."

But the most serious handicap under which the Federalists entered on the election of 1800 was the disaffection in their own ranks. President Adams had shown his patriotism in his firm stand against the insults of the French Directory and his wisdom in accepting their tardy advances on return to better sense. He had shown his independence in preserving his country's peace at the expense of selfish military ambitions, and his moderation in refusing to inaugurate a reign of terror in America by the wholesale arrest of aliens and the hanging of rustic rioters. For these virtues he was cursed by the men of his own party, who had hectored and thwarted him since the beginning of his administration. These malcontents first thought of trying to persuade Washington to run for president again, but the great man died on December 14, 1799. When it was clear that Adams was the choice of the majority of the party, and the caucus had named General C. C. Pinckney as his running-mate, the malcontents still tried to repeat the trick of 1796 (see page 189) by getting the electors of South Carolina to vote for Pinckney and Jefferson. But Pinckney honorably refused to be a partner of any such deal, even though it would bring him the presidency. Hamilton, disappointed in his military ambitions and incensed by the dismissal of his satellites Pickering and McHenry from the cabinet, foolishly indulged his pique by writing a long and bitter pamphlet against Adams and wound up by advising the electors to vote for him nevertheless!

Jefferson was the unanimous choice of the Republican caucus, with Aaron Burr of New York for vice president. The Republican platform is well summed up in a letter which Jefferson wrote to Elbridge Gerry early in 1799:

> An inviolable preservation of our present federal Constitution in the true sense in which it was adopted by the states, . . . a government vigorous, frugal, and simple, applying all possible savings of revenue to the discharge of the public debt, . . . reliance for our internal defense on our militia solely until actual invasion, . . . free commerce with all nations, political connections with none, and little or no diplomatic establishment, . . . freedom of religion and the press, . . . and an end of all violations of the Constitution to silence by force the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents.

Behind these specific points of policy was the great basic principle of Republicanism—the interests of the agrarian democracy, supported by state and local governments, against the capitalistic aristocracy in control of the federal machinery.

The campaign was violent and slanderous. Jefferson was accused of having robbed a widow and her children of trust funds, of having vituperated George Washington and ridiculed the Christian religion. The Federalist editors predicted dire consequences if he should be elected. Our country would be turned over to a Jacobinical mob, and every sacred institution overturned. The government's obligations would be repudiated, and all honest citizens would be involved in "one common, certain, and not far distant ruin." The restraints of civilization would be cast off, and "every decent man would have to go about armed to defend his property, his wife, and his children from his Jacobin neighbor." The Reverend Timothy Dwight, president of Yale College, prophesied that in the event of Jefferson's election "the Bible would be cast into a bonfire, our holy worship changed into a dance of Jacobin phrensy, our wives and daughters dishonored, and our sons converted into the disciples of Voltaire and the dragoons of Marat." The Republican warnings, if less ludicrous, were no less earnest.

The triumph of the Federalist, they said, would mean the disappearance of the last guarantee of democratic government; the state would be absorbed into a tyrannical oligarchy at Washington, in disgraceful vassalage to Great Britain. A titled nobility and a hereditary monarchy would be the eventual outcome.

Political intrigue was added to frenzied electioneering. Pennsylvania was a Republican state, but the Federalists, who had a majority in the upper House, refused to concur in the choice of electors by joint ballot until they were assured of seven of the fifteen electoral votes of the state. In New York Aaron Burr, by the cleverest arts of the political manager, had secured the election of a Republican delegation from New York City to the legislature in the spring of 1800. This insured a majority in the new legislature (which was to choose the presidential electors) for Jefferson and Burr. Hamilton then wrote a letter to Governor Jay, begging him to reconvene the old legislature and have it hastily pass a law providing for the choice of the New York electors by districts, so that at least four or five of its electoral votes might be saved for the Federalists. "No scruples of delicacy and propriety," wrote Hamilton, "ought to hinder the taking of a legal and constitutional step to prevent an atheist in religion and a fanatic in politics from getting possession of the helm of state." The honorable governor filed the letter away with the simple indorsement, "Proposing a measure for party purposes which it would not become me to adopt." New York's vote went to Jefferson, and with it the election. Adams carried New England, the stronghold of the financial interests,[1] with New Jersey, Delaware, and parts of Maryland and North Carolina. He had sixty-five votes to seventy-three for Jefferson.

[1] The four original New England states received $440,800 in the interest and capital disbursements on the public debt in 1795, out of a total of $1,180,909. Massachusetts alone received in interest one third more than all the states south of the Potomac. "The thrifty Yankees of Connecticut held more of the public debt than did all the creditors in Virginia, North Carolina, and Georgia" (C. A. Beard, "The Economic Origins of Jeffersonian Democracy," p. 393).

As every one of the Republican electors had voted for Burr as well as for Jefferson, the two men were tied for first place and the election was thrown into the House of Representatives.[1] Every Republican elector, of course, had intended that Jefferson should be president. Had Burr been an honorable man, he would have immediately acquiesced. But Burr was not an honorable man. Ambition led him to contest the election in the House and to lower his dignity by accepting the support of the Federalists, who used him only that they might defeat Jefferson. The balloting began on February 11, 1801. On the first ballot Jefferson carried eight states out of the sixteen, just one short of the necessary majority. Burr carried six, while two (Maryland and Vermont) were equally divided and lost their vote. Thirty-five ballots were taken in the next five days without any change in the vote. The Federalists knew that they could not elect Burr, but they planned to maintain the deadlock until after inauguration day and then have a new election declared. On the other hand, McKean and Monroe, the Republican governors of Pennsylvania and Virginia, began to threaten to call out their militia to seat Jefferson in the White House by force. Hamilton too used his powerful influence in favor of Jefferson as the lesser of two evils. "As to Burr," he wrote, "there is nothing in his favor. He is truly the Catiline of America"; whereas Jefferson, with all his faults and fanaticisms, was "neither depraved nor desperate." If elected he would probably "pursue a temporizing rather than a violent system." The wisest course for the Federalists to follow, thought Hamilton, was to withdraw their opposition to Jefferson after securing from him assurances on some cardinal points of policy, such as the preservation of the fiscal system, the maintenance of the army and navy, and the promise of no general proscription of Federalist officials. These assurances gained, the Federalists of Vermont, Maryland, Delaware, and

[1] Provision was made against the repetition of this anomaly by the Twelfth Amendment, in 1804, which prescribed that the electors "name in their ballots the person voted for as president and in distinct ballots the person voted for as vice president."

South Carolina cast blank ballots on the thirty-sixth vote (February 17), and Jefferson was elected by ten states to four.[1]

The Federalists, defeated in the presidency and both Houses of Congress, made an effort in the last days of their power to secure the judicial branch of the government. While the balloting for Jefferson and Burr was going on, the expiring House passed a Judiciary Act (February 13), creating several new federal districts and grouping the district courts into six circuits, for which sixteen new judges were to be appointed, with marshals, attorneys, and clerks to match. The measure had been planned over a year before, partly to provide for the growing business of the federal courts and partly to relieve the justices of the Supreme Court from continual traveling on circuit. But it was interpreted by the Republicans as simply a trick of the Federalists to fortify themselves in the one branch of the government which was beyond the reach of popular elections. President Adams hastened to make the appointments to the new judgeships before his successor should come into office. He was still signing their commissions at nine o'clock of the evening before inauguration day. At dawn he entered his carriage and drove away from the White House.[2]

[1] The four old New England states held doggedly to Burr to the end. The casting of blank ballots by the Federalist representatives from Vermont and Maryland released those states to the Republican column. As there were no Republican representatives from Delaware and South Carolina, the final vote of those states was null. Not a single Federalist, therefore, *actually voted* for Jefferson. Much controversy arose over the pledges given by Jefferson. It seems probable that he did not give them in person, but let it be known through friends that he would respect the Federalist establishments. For the whole controversy the student may see C. A. Beard's "The Economic Origins of Jeffersonian Democracy," pp. 410 ff.

[2] Two stories have been current touching the close of Adams's administration: one that he was signing the commissions up to midnight of March the third, when Levi Lincoln, Jefferson's designated Attorney-General, stood over him, watch in hand, and ordered him to desist; the other, that Adams drove away from the White House early to show his disrespect for Jefferson. Both these stories are pure fables. The reason why Adams left the White House in such haste was the sudden death of his son Charles in New York. He entertained no ill feeling toward Jefferson. A few days after the inauguration he wrote his successor, "heartily wishing" him "a quiet and prosperous administration."

The immense significance of the election of 1800 in our history has often been overlooked. Because the Republicans on coming into power did not destroy the fiscal system which the Federalists had set up or propose sweeping amendments to the Constitution curtailing the federal power, historians have spoken of the "meagre results of the Jeffersonian revolution." But that is to miss the point by too great absorption in institutional history, to the neglect of social and ethical currents. The triumph of Jefferson at the polls was the indorsement of a process of political education which had been going on, under his chief leadership, for a decade—an education in democracy. The Federalists were without faith in the people. For them government belonged by right to "the rich, the well-born, and the able," whom the people were to "venerate." The suffrage was narrowed by property qualifications and religious tests. In New England "magistrates were often chosen by one twentieth of the legal voters." The few families who assumed leadership during the Revolution had acquired "an unrepublican ascendency," which made them "regard any opposition as actual rebellion against the reigning powers." They refused to recognize the Republicans as a legitimate party, calling them "insurgents," "factional Jacobins," "unprincipled, disorderly, ambitious, disaffected, morose men," who were tempted by vile newspapers "to talk on political subjects and to wish to manage the affairs of the nation," instead of submitting themselves to those who were "over them in the Lord." As against this debasing doctrine of tutelage the Republicans vindicated the principles of the Declaration of Independence. "There was a time in this country," wrote a Republican journalist, "when God had created all men equal and had given to each certain unalienable rights, but the new creation of Federalism has thrown into confusion the first creation. It has created four or five hundred gentlemen having entire right to rule and reign."

The Jeffersonian doctrine of "the cherishment of the people" conceived of the government not as a power outside of and above the people but as the people itself acting in its political capacity. It necessitated the greatest possible diffusion of

power among a progressively educated body of citizens, so that the evils inevitably arising in a democracy might be slowly purified out through the aëration of public opinion. Instead of abandoning "the detestable practice of electioneering," and passively "venerating the men of their former choice," as they were bidden to do by the Federalists, the people should be roused to "an universal attention to the duty of election." A jealous watch on their rulers was their only guarantee of freedom. Their liberties were too precious to delegate to an aristocracy. The propagation of this democracy was the Jeffersonian campaign, and the election of 1800 was but its culmination. The enormous growth of the vote even in New England, out of all proportion to the increase in population, was a witness to the progress of the Jeffersonian ideal, for the figures show that the Republican vote was not taken away from the Federalists but was rather added to theirs. Politics were popularized. Addresses, platforms, pledges, discussions, multiplied. The people woke to their privileges and responsibilities. "Now the Revolution of 1776 is complete," said the *Aurora* on the morning after the election. Since 1800 no political party in our land, Whig or Democrat, Republican or Socialist, Prohibitionist or Populist, has made its appeal to any less comprehensive an electorate than the whole body of American freemen.

CHAPTER V

THE JEFFERSONIAN POLICIES

A just and solid republican government maintained here will be a standing monument and example for the aim and imitation of the people of other countries; and I join with you in the hope and belief that they will see from our example that a free government is of all others the most majestic.—THOMAS JEFFERSON

The Louisiana Purchase

Thomas Jefferson was nearing the closing of his fifty-eighth year when he was inaugurated in the new federal city of Washington. Both the place and the man were suggestive of a new chapter in our history. Swamp land and forest formed the lonely environs of the few residences, boarding-houses, and shops that were scattered among the rising public buildings. The stately Pennsylvania Avenue of today was "scarcely more than a footpath cut through the bushes and briars," with gravel and chipped freestone dumped on the spongy patches left by the Tiber Creek, which ran hard by. The contrast with the lively city of Philadelphia, the center of the colonial aristocracy, was striking. "We need nothing here," wrote Gouverneur Morris in humorous vein, "but houses, men, women, and other little trifles to make our city perfect." The new president, who had never felt at home in the aristocratic circles of New York and Philadelphia, left the pomp and ceremony of the Federalist régime behind him. Instead of driving with coach and six to the inaugural, he walked. In the place of the speech to Congress, so reminiscent of an address from the throne, he sent a written message. The stiff weekly levees were superseded by receptions to which everyone was welcome to come *pêle-mêle* to shake the President's hand. The British minister Merry was scandalized when Jefferson received him in negligee with slippers run down at the heels, and Merry's secretary said that the

President reminded him of a "tall large-boned farmer"—a characterization which Jefferson would probably have felt to be flattering.

Jefferson's political views were well known through the publicity of his long struggle against the Federalists, and they were concisely summed up at the close of his inaugural address: equal and exact justice to men of every shade of political and religious opinion; peace and friendship with all nations, alliances with none; respect for the rights of the state governments, together with the preservation of the powers of the national government in strict accord with the provisions of the Constitution; free elections, free speech, and a free press, but obedience to the law as expressed in the will of the majority; reliance on a disciplined militia rather than on a regular army for our defense; public economy, honest payment of our debts, encouragement of agriculture and commerce, preservation of the sacred rights of Habeas Corpus and trial by jury; trust in persuasion rather than in force to right abuses and win policies, since "error of opinion may be tolerated when reason is left free to combat it." Political enemies were astonished at the President's conciliatory tone when he declared that differences of opinion were not always differences of principle, and that all were brethren in their common devotion to the Union: "We are all Republicans, we are all Federalists." Did he mean that he hoped that all the Federalists were about to become Republicans, or that in the hands of a Republican administration the measures established by the Federalists could be safely operated. His whole administration goes to prove, at any rate, that he considered the government safe in the hands of the friends of the people, even if they took as great liberties with the letter of the Constitution as did the "monocrats."

If followers hoped or opponents feared that Jefferson would make any drastic change in the institutions of the Federalists, they were mistaken. Hamilton had correctly estimated the new president as more revolutionary in theory than in action. The Bank and the public funds remained undisturbed. The military and naval establishments, while diminished, were not

abolished. One might have expected the author of the Kentucky Resolutions to initiate some measures for the curtailment of the powers of the "general government," but instead Jefferson announced in his inaugural address and supported in his policy "the preservation of the general government in its whole Constitutional vigor as the sheet anchor of our peace at home and of our safety abroad." One might have thought that so bitter a critic of the "dangerous" power of the federal judiciary would have suggested to his Republican Congress (which he controlled with a mastery equaled by few of our presidents) the passage of an amendment limiting the tenure or the power of the justices of the Supreme Court; but he made no such move. The sum total of his assault on the institutions of his Federalist predecessors was the abolition of the internal revenue duties, the reduction of the military establishment, and the repeal of the Judiciary Act of the closing days of John Adams's administration.

For the two chief portfolios of State and Treasury, Jefferson selected James Madison of Virginia and Albert Gallatin of Pennsylvania, both men of long and influential experience in Congress. Henry Dearborn and Levi Lincoln, both of Massachusetts, were made Secretary of War and Attorney-General respectively, and Gideon Granger of Connecticut was put at the head of the post office. The Navy Department was given to Robert Smith of Maryland. Thus the heads of half the executive departments were chosen from New England, the stronghold of Federalism, whose electors had cast but a single vote for Jefferson in the February balloting. Madison was the only member of the cabinet from the states south of the Potomac, and even he, according to the simon-pure Republicans of Virginia and the Carolinas, was somewhat tainted with heresy from his former association with Hamilton in the authorship of "The Federalist." If Jefferson meant by this recognition of the North in his choice of advisers to discourage the idea that the Republicans were a sectional party, it remained none the less true that with the coming of his administration political leadership passed to the South. Samuel Smith of Maryland, Randolph and Giles of Virginia, and Macon of

North Carolina dominated the House, where the Republicans had a majority of over two to one. The Northern states saw measure after measure passed which they believed prejudicial to their political prestige and their economic interests, and more than once during this period of Southern control (in 1804, 1808, and 1814) they mooted separation from the states beyond the Delaware.

In the closing month of his term President Adams had sent over two hundred nominations to the Senate. This attempt to saddle on the incoming administration a host of Federalist officeholders by "midnight" appointments Jefferson considered positively indecent. He spoke of Adams's "dead clutch on the patronage," and sent word to the officers whose commissions had not yet been delivered to consider their appointments as never having been made. A certain William Marbury, who was one of the forty-two justices of the peace appointed for a five-year term in the District of Columbia, sued the Secretary of State for the delivery of his commission. When the case of Marbury *vs.* Madison came before the Supreme Court in its February session of 1803, it brought a momentous decision from Chief Justice Marshall. The court refused to issue the mandamus compelling the delivery of the commission, and declared that that part of the Judiciary Act of 1789 which conferred upon it this power was unconstitutional and hence null and void. It was the first instance of the annulment by the Supreme Court of an act of Congress, the first assumption of the power, nowhere granted to the court by the Constitution, of declaring acts of Congress unconstitutional. This precedent, followed ever since, has made the Supreme Court, which was established as a judicial tribunal, one of the most powerful political influences in our history. For example, in 1895, by the majority of a single vote, it declared the income-tax clause of the Wilson-Gorman tariff bill unconstitutional and deprived the government of millions of dollars of revenue. The new circuit judgeships which had been created by the Judiciary Act of February 13, 1801, and which, according to John Randolph's sarcastic comment, were provided in order to make the judicial

department "a hospital for decayed politicians," were abolished by the repeal of the act.

Economy was the chief policy of the new administration, and to this policy Jefferson was impelled by both political and economic principles. The collection and disbursement of large sums of money tempted the central government to enlarge its powers, to compete with European nations in world politics, and to encroach on the resources which the states needed for their local development. The central government should confine itself to provision for defense against invasion and should reduce its connection with foreign countries to the lowest terms possible. Two or three foreign ministers only were necessary (to England, France, and Spain, with whom we unfortunately still had unsettled relations), but diplomatic establishments in Holland, Portugal, and Prussia were a needless extravagance and were forthwith suppressed. Again, as champion of the agricultural interests, Jefferson saw that the burden of taxation, on which the credit of the public funds was based, fell largely upon the farmers. Not only must these chief producers of the country's wealth not be further burdened by additions to the public debt but even that burden which was upon them must be lightened as soon as possible by the discharge of the debt.

Secretary Gallatin was even more enamored of economy than was the President. Coming from Switzerland, he had found a home as a naturalized American citizen among the farmers of western Pennsylvania, whose cause he had espoused in the Whisky Rebellion. He was gifted with an orderly mind, considerable powers of persuasion, and a prodigious capacity for work. He has generally been rated as second only to Alexander Hamilton in the skillful management of our country's finances. His special merit, perhaps, was the introduction of strict accountability into our finances by the budget system of specific appropriations against which only funds pertinent to the appropriations could be drawn. Gallatin outlined his policy in his first report. Retrenchment in army, navy, and the diplomatic service, together with various economies in the civil service, were calculated to reduce the expenditures of the

government from $7,000,000 to $3,000,000, exclusive of interest on the public debt. The revenue had grown, as a result of our prosperous foreign commerce in the midst of the European wars, from less than $4,000,000 in 1792 to over $10,000,000 in 1801. Gallatin far too modestly estimated the revenue for the next ensuing years at $10,600,000. Thus there would be an annual surplus of over $7,000,000 for application to the interest and principal of the public debt. On the basis of these figures the debt would be entirely wiped out by the year 1817. Gallatin's plans were rudely interrupted by the distress of our commerce and the outbreak of our second war with England before the year 1817, but they progressed so well during the first decade that by 1810 the debt was reduced by $27,500,000, in spite of the purchase of Louisiana from France and the expense of four years of warfare against the African pirates in the Mediterranean.

Gallatin was compelled reluctantly to sacrifice important sources of revenue. The excise tax was particularly odious to the Republicans. It had an ugly name among the advocates of states' rights. It had caused the Whisky Rebellion and the first "armed invasion" of a state by the national power. It had provoked the Fries riot. It was inquisitorial and bore hard on the farmer distiller. Besides, it cost about 20 per cent for collection as against 3 per cent for customs duties. Jefferson was determined that it should be abolished; and abolished it was, in April, 1802, with a loss of a million dollars to the Treasury. The repeal of the excise was a genuine self-denying ordinance, for it cut down the patronage of the administration nearly 50 per cent.

Gallatin was obliged also to give up the anticipated retrenchments in the Navy Department. The army, to be sure, was reduced after the passing of the war scare of 1798 to its meager footing in Washington's day, and a beginning was made in the curtailment of the navy by stopping the work on six "seventy-fours" which had been authorized by Adams's Congress and selling off all the warships but thirteen. The remnant of our navy Jefferson would have laid up in the eastern branch of

the Potomac, where they could be looked after "by one set of plunderers." But the administration was only a few weeks old when the bashaw of Tripoli declared war on the American republic. It was the culmination of a sordid business in the Mediterranean which had disgraced our government since the days of the Confederation. The rulers of the Barbary States of the northern African coast—Morocco, Algiers, Tunis, and Tripoli—had long been in the habit of seizing the ships of Christian nations in the Mediterranean and holding the crews for heavy ransom. It was a more convenient way of raising revenue than the precarious dependence on a corrupt tax-gatherer, and it had the further advantage of harrying the enemies of Allah. The European nations, even including England, the mistress of the seas, paid tribute to these Mohammedan pirates as a cheap substitute for war. Jefferson, in the days of his mission to Paris 1785–1789), had tried to induce the governments of Europe to create a joint naval force to police the Mediterranean, and again as Secretary of State he had advocated punishing the pirates. But our government followed the example of Europe and sent presents and tribute to the deys and bashaws to buy our right to travel on the high seas. Under Washington and Adams the tribute we paid to the Mediterranean pirates amounted to $2,000,000. But when the dey of Algiers compelled the very vessel which was bringing him tribute (her name was the *George Washington!*) to raise the Algerian flag at her masthead and sail on an errand to the Sultan of Turkey, and the bashaw of Tripoli, unsatisfied with his meager $80,000 of tribute money, declared war on the United States, our patience was exhausted.

Jefferson sent successive squadrons under Commodores Dale, Morris, Preble, and Barron to chastise the Barbary corsairs. Devoted as he was to peace and economy, he had always advocated a naval force in the Mediterranean as both the most humane and the cheapest way of dealing with the pirates, writing in 1802 that "preserving an erect and independent attitude" was even more important than peace. Gallatin hated to spare the money for the naval war, but the imposition of

a 2½ per cent import duty to create a special "Mediterranean fund" relieved the Treasury and emphasized the temporary character of the expense. Our sailors in the Mediterranean added fresh laurels to the fame of the American navy. No deed of John Paul Jones in the American Revolution was more glorious or daring than the exploit of Lieutenant Stephen Decatur, who with a few men ran into the harbor of Tripoli in the night of February 16, 1804, boarded the frigate *Philadelphia*, which had fallen into the hands of the corsairs, overpowered her crew, set fire to her hull, and rowed back to his ship in the light of the conflagration and of a murderous fire from the Tripolitan batteries. The Barbary wars lasted through the first administration of Jefferson. But when our government finally made peace with Tripoli, on January 3, 1805, "on more honorable terms," as Preble said, "than any other nation had ever been able to command," the sacrifices which we had made appeared fully justified. We had not only vindicated the right of our vessels to sail the high seas without molestation, but incidentally we had rendered the maritime nations of Europe a service which they ought long before to have performed for themselves, in chastising the pirates of the Mediterranean.

While these things were going on abroad the Republicans at home were delivering an assault on what they called "the stronghold of Federalism," namely, the judiciary. A number of federal judges were impeached in Pennsylvania. John Pickering, a judge of a federal district court in New Hampshire, was condemned and removed by the Senate on charges of gross misconduct, although it was shown that he was suffering from insanity and thus not responsible for his behavior. He should have been quietly dismissed. On the same day that Pickering was condemned the House brought impeachment charges against Justice Samuel Chase of the Supreme Court. Chase was a signer of the Declaration of Independence and a hero of the Revolution. He had been appointed to the Supreme Court by Washington in 1796. He was an ardent Federalist and had presided with more zeal than prudence over the cases of Republican editors prosecuted under the Sedition law. He was

even guilty of having turned his charges to juries into intemperate political harangues against Republicanism as the government of the mob, which would soon bring ruin upon our institutions. These were grave lapses from dignity in a judge of the Supreme Court, but they could hardly be classed with "high crimes and misdemeanors" (like treason or corruption) which the Constitution declares a basis for the impeachment of federal officers. After an exciting trial, in which John Randolph outdid himself in violence and vituperation to secure the condemnation which President Jefferson desired as much as he, the Senate acquitted Chase, on March 1, 1805, and impeachment of judges for political reasons came to an end.

However, it was not for its political reforms or financial economies, not for the victory over the pirates or the contests with Federalists at home, that Jefferson's first administration was chiefly distinguished, but for its extension of our national domain. Jefferson was an expansionist. His interest in the country west of the Alleghenies, and even in the great wilderness beyond the Mississippi, was constant from the earliest days of the republic. It was he who had drafted the Ordinance of 1784 for the government of the Western territory, and by the adoption of many of his ideas three years later in the famous Northwest Ordinance, had set the impress of his genius on a policy of territorial government which was to endure for a century. When he was on the Paris mission (1785–1789) he had encouraged a New England traveler named Ledyard to cross Siberia and the Pacific and return to the United States through the vast unexplored territory of the Spaniards to the west of the Mississippi. When the Nootka Sound controversy arose between England and Spain in 1790 (see page 169) he showed himself the most anxious member of Washington's cabinet for the safeguarding of our interests in the West. He regarded the English settlements on the Atlantic coast as "the nest from which America north and south was to be peopled" and foresaw a republic of a hundred million in the great western continent. He had not been in the presidency ten weeks before news came from our minister in London, Rufus King, of a

transaction in Europe that was destined to have an incalculable influence on our history. Napoleon Bonaparte, on the day after he had concluded the convention of peace with the United States (see page 183), had compelled the king of Spain to sign the treaty of San Ildefonso ceding to him the entire province of Louisiana (October 1, 1800). "Spain is ceding Louisiana to France," wrote Jefferson to Robert Livingston at Paris, "an inauspicious circumstance to us."

The circumstance was inauspicious for several reasons. It meant the establishment of the strongest and richest of the European countries as a colonial power on our borders, and perhaps in control of the Gulf of Mexico and the islands commanding its entrance. It meant the substitution of the restless and unpredictable ambition of Napoleon Bonaparte in the Western Hemisphere for the supine and dilatory policy of the court of Spain. It meant the control of the Mississippi, through the possession of New Orleans, by a power no more friendly than Spain to the United States, but infinitely more able to paralyze our commerce on the great river. Since the few thousands of pioneers had followed Boone, Sevier, Harrod, and Robertson across the mountains in the days of the Confederation, our Western settlements had grown apace. The opening of the nineteenth century saw some 50,000 farmers established in the rich bottom lands along the Ohio River and its northern tributaries. A hundred thousand immigrants had beaten the buffalo paths and Indian trails of Tennessee into pack roads and begun clearing the hickory and sycamore forests for their corn and tobacco, their hogs and cattle. Over 200,000 had gone into Kentucky. The outlet for the increasing products of all the "back country" was the great river. "The Mississippi is everything to them," wrote Madison in 1802; "it is the Hudson, the Potomac, the Delaware, and all the navigable rivers of the Atlantic coast formed into one." After a dozen years of tedious negotiation with the Spanish court we had, in 1795, obtained a treaty giving us the right of deposit and transshipment at New Orleans. The customhouse books of 1802 showed exports from the port of New Orleans of over

$3,000,000 of sugar, $1,000,000 of cotton, 200,000 lb. of tobacco, nearly 10,000 bbl. of flour, besides large amounts of cordage, cider, apples, bacon, pork, and lead. Most of the articles, except the sugar and cotton, came from the settlements up the river, Kentucky and Tennessee alone sending over $1,600,000 of produce through the port. Out of 267 vessels clearing from New Orleans in the years 1802 there were 158 American as against 104 Spanish. Seagoing ships had even begun to be built at Pittsburgh and had successfully made the trip from the upper Ohio to Liverpool. The attachment of the Western states to the Union depended on the guarantee of their commerce, and this guarantee depended on the control of the Mississippi. If the river was not in our hands, at least it must be in the hands of a power with whom we could deal on equal terms. Jefferson recognized this when he declared that New Orleans was the one point on the American continent whose possession was of vital importance to the United States and wrote to our minister in Paris that the moment France should take possession of the port "we must marry ourselves to the British fleet and nation."

While we were anxiously awaiting developments in Louisiana, and Napoleon, now firmly fixed on the throne of France and for the first and only moment of his meteoric career at peace with all the nations of Europe, was preparing to launch his colonial enterprise in earnest, an event occurred which made decided action on our part necessary. On October 16, 1802, acting on orders from Madrid, Morales, the Spanish intendant at New Orleans, withdrew the right of deposit granted in the treaty of 1795 and thus closed the Mississippi to a trade that already amounted to 40 per cent of our exports. Whether or not this hostile decree was promulgated at the behest of Napoleon, coming as it did on the eve of his preparation to take possession of Louisiana, it was a sinister evidence of the amount of consideration that our river trade might expect from the despot of France. It was clear that we must make every effort to get possession of the island of New Orleans. Jefferson asked Congress for $2,000,000 to be used at the discretion of the

executive for negotiations with Napoleon. He nominated James Monroe as envoy extraordinary to act with our ministers, Robert R. Livingston at Paris and Charles Pinckney at Madrid, in securing the interests of the United States in Louisiana.[1] Monroe's instructions were vague, hardly more than an expression of unlimited confidence in his discretion; but in letters both to him and to Livingston Jefferson emphasized the tremendous importance of the mission: "The future destinies of our country hang upon the event of this negotiation," he wrote. Monroe sailed for France in the middle of January, 1803, while the Federalists in Congress were trying to embarrass Jefferson and outbid the administration in popularity with the Western settlers by advocating the immediate seizure of Louisiana by force.

But relief in the tense situation came neither from Livingston's entreaties nor from Monroe's inducements, but from Napoleon himself. The peace of Amiens with England was wearing thin. The destiny of the First Consul was war and not peace. "My fate is to be ever in arms," he said to the Austrian minister Metternich. The prospect of building a distant colonial empire suddenly lost its charms. The advance guard of 12,000 soldiers whom he had sent under his brother-in-law, General Leclerc, for the conquest of Santo Domingo had succumbed to the attack of Toussaint L'Ouverture's negroes and to the deadlier attack of the yellow fever. Napoleon abandoned the Louisiana project as abruptly as he had conceived it. On the very day that Monroe landed at Havre the First Consul ordered his minister of finance, Barbé-Marbois, to offer Livingston not New Orleans alone but the entire province of Louisiana for 50,000,000 francs. Livingston, who had been trying in vain to persuade Napoleon to sell a part of

[1] Even Jefferson was cured of any idea of French sympathy for us when Napoleon, in the summer of 1802, assumed the robe of monarchy under the title of Consul for life and began to abolish all signs of republicanism. Jefferson wrote to Livingston in October, "We stand completely corrected of the error that either the government or the nation of France has any remains of friendship for us."

Louisiana, was dumfounded by this offer of the whole.[1] He and Monroe discussed the matter with Marbois (who set the price at 100,000,000 francs instead of 50,000,000 as he had been ordered), and after some haggling they agreed on the figure of 60,000,000, with the assumption of claims by citizens of the United States to an amount not exceeding 20,000,000 francs, making the total price 80,000,000 francs, or some $14,500,000. The three negotiators set their names to the treaty on May 2, 1803,[2] and as they rose to shake hands Livingston remarked: "We have lived long, but this is the noblest work of our whole lives. From this day the United States take their place among the powers of the first rank."

When the Louisiana treaty reached Washington in midsummer, it was Jefferson's turn to be surprised. He had sent Monroe to purchase New Orleans, with West Florida if possible, for not more than $10,000,000. Now came a bill half again as large for the whole of Louisiana—a tract which doubled the area of the United States. There was no doubt that it was an excellent bargain; but aside from the charge imposed on the government (a charge exceeding our total annual revenue), there were points in the treaty to give an advocate of strict construction much uneasiness. There was no provision of the Constitution authorizing the executive to purchase foreign territory and to covenant that the inhabitants of such territory should be brought into the Union and admitted to the enjoyment of all the rights of American citizens. Jefferson himself was the first to admit that he had "done an act beyond the Constitution." He prepared an amendment to submit to

[1] The astute Talleyrand, who for some reason had not been intrusted by Napoleon with the negotiations for the sale of Louisiana, nevertheless knew of the First Consul's intention and in a private capacity anticipated Marbois in asking Livingston (before Monroe's arrival in Paris) how much the United States would give for the whole of Louisiana. Jefferson apparently had little hope that Napoleon would part with any of Louisiana. It is a queer coincidence that on the very day on which the treaty of cession was dated (April 30, 1803) he wrote to John Bacon that he was "not sanguine in obtaining a cession of New Orleans for money."

[2] The treaty was dated back to April 30, 1803.

Congress, so that the states might ratify the purchase through their legislatures or conventions. But before the meeting of Congress Monroe advised him from Paris that Napoleon might change his mind if there were any delay in the ratification of the treaty and the appropriation of the purchase money by Congress. So, comforted by the assurances of his friend Nicholas that the treaty-making power of the executive and the Senate was unlimited and that new states could be admitted out of newly acquired territory as well as out of the existing territory of the United States, Jefferson cast the proposed amendment behind him, asking Congress at the same time to cast "metaphysical subtleties" behind them and to support him in his action as they would support a guardian who had acted beyond his authority for the good of his ward. The author of the Kentucky Resolutions appealed to the good sense of the nation, and the nation was with him. The Federalist minority in Congress objected to the treaty from every point of view: it contravened the Constitution by giving the port of New Orleans advantages not shared by other ports of the country; it usurped the power of Congress by regulating trade; the payment of so large sum of money to a belligerent nation was virtually a breach of neutrality; the title of France to the province of Louisiana was not clear; and all that we had bought at this huge price was "the authority to make war on Spain." But opposition was unavailing. The Senate immediately ratified the treaty by a vote of 24 to 7, and a few weeks later the House voted the funds in the form of an issue of $11,250,000 in 6 per cent stock (89 to 23). There was no doubt of the popularity of the Louisiana Purchase.

There were grave irregularities in the transaction. Napoleon had not yet fulfilled his part of the Treaty of San Ildefonso with Spain when he sold us Louisiana, and the Spanish authorities were still in command at New Orleans. Moreover, Napoleon had promised Spain never to transfer the province to a foreign power, and the French Constitution forbade the First Consul to alienate any of the land of the Republic. In short, in buying Louisiana from Napoleon we were, as Professor Channing says,

acting as "the accomplices of the greatest highwayman of the age." But we took the ground that the delinquencies of France toward Spain could not invalidate the good faith of our dealing with France; and Spain, after a first violent protest, acquiesced in the transaction—with her own interpretation of the boundaries of Louisiana.

These boundaries, even in the limited form finally fixed by the treaty of 1819 with Spain, inclosed a magnificent domain extending from the Gulf of Mexico to the Canadian border and from the Mississippi to the Rockies. Fourteen states or parts of states have been made from that domain, in which the value of the farm lands alone a century after the purchase was more than a thousand times as great as the price paid for the whole province. The white inhabitants of this domain increased from 50,000 in 1804 to 20,000,000 in 1914. In abundance and variety of products it is the richest developed area in the world. And the original cost of its 875,000 square miles was about three cents an acre![1] On November 30, 1803, Louisiana was finally handed over to the French intendant Laussat by the Spanish authorities at New Orleans, and twenty days later the French tricolor was hauled down and the Stars and Stripes were raised in its place.

If the Constitution was strained in the purchase of Louisiana, the Declaration of Independence was violated in its government. By a law of March 26, 1804, Congress separated the more densely populated part of the province, south of latitude 33°, as the territory of Orleans and handed over its administration completely to President Jefferson. He was to appoint the governor, the legislative council, and the judges. He simply

[1] It is interesting to compare this with the price paid for other portions of our public domain. The Mexican cession cost 4½ cents an acre and Florida 17 cents an acre—both in addition to the expense of wars. We paid Texas 26 cents an acre for the land surrendered to the United States in 1850, and three years later we gave Mexico 34 cents an acre for the Gadsden Purchase. Altogether, the average cost of our public lands (including surveys and the extinction of Indian titles) has been 17½ cents an acre, and we have sold them (exclusive of millions of acres given to railroads, educational institutions, and homesteaders) at prices ranging from 66⅔ cents to $5 an acre.

"stepped into the place of King Charles of Spain" as the absolute ruler of the province. Such principles as government by the consent of the governed, popular control over officials trial by jury, no taxation without representation, were ignored. Edward Livingston, a younger brother of the minister at Paris, had moved to the province immediately after the purchase, to engage in the practice of law. He wrote a petition for the "planters, merchants, and other inhabitants of Louisiana," protesting against the law of March 26, and demanding "the rights and privileges of American citizens" promised in the treaty. "Were the patriots who composed your councils [in the days of the Revolution] mistaken in their political principles?" he pertinently asks. "Do political axioms on the Atlantic become problems when transferred to the shores of the Mississippi? . . . Many of us are native citizens of the United States. . . . For our love of order and submission to the laws we can confidently appeal to the whole history of our settlement. . . . Annexed to your country by political events, it depends on you to determine whether we shall pay the cold homage of reluctant subjects or render the free allegiance of citizens." Livingston's petition induced Congress to amend the law by empowering the governor of the territory to convene a legislative assembly of twenty-five members and allowing the territory to send a delegate to Congress. It was not, however, until the admission of the territory of Orleans into the Union as the state of Louisiana in 1812 that its inhabitants received the full rights and immunities of American citizens which had been promised to them in the treaty.

The Louisiana Purchase gave rise to a boundary dispute which was settled by the diplomatists in 1819, but which has not yet ceased to be a subject for controversy among the historians. We took Louisiana from France "with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and the other states." But this was anything but clear. "When France possessed it" (that is, down to 1763) Louisiana included West Florida eastward

to the Perdido River, but all of Florida had been ceded to England by the treaty of 1763 and had remained English for twenty years. When Spain got it back, therefore, by the treaty of 1783, it was from England and not from France that she received it. It hardly seems, therefore, that West Florida could have been fairly comprised in the Louisiana "retroceded" by Spain to France in 1800. Moreover, neither Napoleon who sold, nor Monroe and Livingston who bought, Louisiana believed that it included Florida. Napoleon was still trying in 1802 to persuade King Charles IV to add the Floridas to the bargain of San Ildefonso, and Monroe was on the point of starting for Madrid after the purchase of 1803 to buy the Floridas from Spain for an additional million or two, when the French court dissuaded him. On the other hand, the French authorities claimed that the whole of Texas was included in Louisiana. General Victor, who was preparing to sail from Dunkirk in the spring of 1803, was instructed to take possession as far west and south as the Rio Grande, and Talleyrand wrote to the minister of the marine that "the Rio Bravo [Rio Grande] from its mouth to the 30th degree" was the "line of demarkation." Laussat, the French intendant at New Orleans, wrote explicitly to Madison that Louisiana "did not comprehend any part of West Florida," but that it extended "westwardly to the Rio Bravo, otherwise called the Rio del Norte." In spite of all this testimony, Jefferson was bound to have West Florida. He persuaded himself by researches in the history of Louisiana during the summer of 1803 at Monticello that West Florida was rightly ours, and the next year he got Congress, in spite of angry protests from the Spanish minister at Washington, to erect the shores and waters of Mobile Bay into a United States customs district. To the end of his administration he was laboring with Napoleon to bring pressure to bear on Spain to recognize the "rightful boundaries" of Louisiana.

Besides doubling the area of our country by an immensely valuable domain and giving rise to many important political and diplomatic questions, the Louisiana Purchase had the further effect of stimulating our interest in the great Western

wilderness which stretched two thousand miles from the Mississippi to the Pacific coast. President Jefferson was an enthusiastic advocate of expansion. In 1783 he had suggested to George Rogers Clark, the hero of Vincennes, that he form a party "to explore the country from the Mississippi to California." Now, twenty years later, he asked Congress for an appropriation of $2500 "to send intelligent officers with ten or twelve men to explore even to the western ocean" and to study the Indian tribes, the botany, geology, and zoölogy of the country. To be sure, the expedition would pass through territory belonging to the king of Spain, but it might be represented as "a literary pursuit" (!) and would give no offense on account of "the expiring state of the Spanish interests there." The appropriation was made, and Jefferson selected his private secretary, Meriwether Lewis, to lead the expedition, with William Clark, the younger brother of George Rogers Clark, for his lieutenant. Before the expedition started, in the spring of 1804, from the mouth of the Missouri River, Louisiana had become our property; but the land beyond the Rockies still belonged to Spain up to the forty-second parallel of latitude, and north of that was claimed by both England and the United States. The Lewis and Clark expedition, as described in the diaries of several of the men who participated in it, is one of the most fascinating chapters of our early history. The company ascended the Missouri River to its source, then, crossing the "great divide," struck the upper waters of the Columbia River and reached the "roaring ocean" in the autumn of 1805. Wintering at the mouth of the Columbia, they returned by practically the same route as they had gone out, and reached St. Louis in September, 1806. The expedition established our best claim to the Oregon region in our later dispute with England.[1]

[1] Our earlier claim to the region was based on the discovery of the Columbia River by Captain Gray in 1792. While Lewis and Clark were on their travels Captain Zebulon Pike, seeking the sources of the Mississippi, explored to a point several miles above the Falls of St. Anthony, when he was hindered by deep snows. The following year he explored the Southwest from the Arkansas River to the Spanish settlements on the Rio Grande. Pikes Peak in Colorado is his monument.

Meanwhile Jefferson had been triumphantly reëlected over his Federalist opponent C. C. Pinckney. The irreconcilable Federalists of New England, led by Pickering, Griswold, and Sedgwick, were ready, in their opposition to the "lordlings of the South," to break up the Union. The addition of Louisiana, with the promise of incorporation into the Union, meant the end of New England's aristocratic leadership in Congress and eventual domination by the Southern planters, supported by "creoles and halfbreeds" from the "western Scythia." Burr was sounded with the purpose of bringing New York into a projected Eastern confederacy, and the unprincipled Vice President, whom Jefferson had refused to honor in the distribution of the patronage, joined the plot and accepted Federalist support in his candidacy for the governorship of New York in the spring of 1804. But Burr was defeated in 1804, as he had been in 1801, by the efforts of Alexander Hamilton. Republican electors were chosen in every state of the Union except Connecticut and Delaware, and the Jeffersonian policies were indorsed by an electoral majority of 162 votes to 14. The only result of the Federalist plot of disunion was the loss of their most distinguished leader, Alexander Hamilton, whom Burr slew in revenge in a duel on Weehawken Heights (July 11, 1804).

The first administration of Thomas Jefferson was successful in every respect. Our foreign commerce grew so rapidly that Gallatin's estimates of customs receipts were far outstripped. Except for what Jefferson called "bickerings with Spain," our relations with foreign countries were satisfactory. The great Louisiana bargain seemed to have cemented a lasting friendship with France. The commissioners under the Jay Treaty satisfied the British merchants by awarding them $2,664,000 in payment of the long-standing debts from American citizens. The English government was so well pleased to see Napoleon's colonial design defeated in the western continent that they allowed Baring Brothers to advance cash on the Louisiana stock voted by Congress. Our Western country was beginning to fill up. Nearly 10,000 emigrants had gone into the new Mississippi Territory established in 1798. Ohio, with a population

of 55,000, was admitted to the Union as the seventeenth state in the spring of 1803. In January, 1805, the territory of Michigan was set off from the Indian Territory.

By an act of March 10, 1800, Congress had established land offices on the Ohio frontier for the sale of public lands in small parcels to the emigrant at two dollars an acre with liberal credit—a sure sign that the small farmer was beginning to replace the hunter, the ranger, and the speculator on our frontier. Emigrants already began to swarm on the main routes to the Western country—across the Massachusetts and Connecticut Berkshires, up the Mohawk valley to the frontier trading-post at Buffalo, through the Wyoming valley of Pennsylvania to Pittsburgh and thence down the Ohio, from Baltimore via the Potomac and Braddock's road to the Monongahela, from Virginia and the Carolinas through the Cumberland Gap to the rich lands of Kentucky and Tennessee, or far to the south, past the dwindling hills of the Appalachian range, into the fertile territory finally ceded to the government by the state of Georgia in 1802. Although we had little as yet to boast of in arts and letters, the democratic revolution was preparing the stage for a distinctly American type of genius as compared with the Anglo-American of the colonial days. Newspapers were multiplying rapidly, and, although our people were still so interested in politics and so vociferous in their discussions that *Salmagundi* called the government of the United States "a logocracy," still the scurrility that disgraced our press in the days of Washington and Adams had largely disappeared. The *New York Evening Post* and the *National Intelligencer* of Washington were most respectable substitutes for Freneau's and Fenno's *Gazettes*. Peace, prosperity, political harmony, and unbounded prospects of expansion in wealth and numbers were the happy auguries for our country when Jefferson took the oath of office for the second time, on March 4, 1805. He could truly congratulate his fellow countrymen that "not a cloud appeared on the horizon."

The Struggle for Neutrality

John Randolph of Roanoke, with his inimitable gift for epigram, once likened the four years of Jefferson's second administration to the seven lean kine in Pharaoh's dream, which rose from the river and devoured their seven fat predecessors. The simile was apt. From the spring day of 1805 when Jefferson delivered his second inaugural address congratulating the country and his party on the blessings of prosperity, troubles began to brew: schism in the ranks of the Republicans, conspiracies in the West, and the massing of new war clouds in Europe, which spread their sinister shadow westward across the ocean until they reached our shores. The President believed in 1805 that the storms which marked his first accession to office were all past. He wrote to General Heath in December in a strain of rejoicing: "The new century opened itself by committing us on a boisterous ocean, but all is now subsiding. Peace is smoothing our path at home and abroad." Four years later he left office, his cherished policy of peaceful coercion defeated, his hold on Congress lost, his party disrupted, and his country on the verge of war, comforting himself with the gloomy solace that "it would rarely fall to the lot of imperfect man to retire from this station [the presidency] with the reputation and favor which bring him into it."

Quarrels among the Republicans of New York and Pennsylvania had begun to appear during Jefferson's first term. The Livingston and Clinton factions were always in rivalry for the control of local offices and policy; and Vice President Burr had become so far alienated from the administration, through having been denied what he considered a proper share of the patronage, that he had lent himself, as we have seen, to the disunion schemes of the New England Federalists. A veritable epidemic of impeachment of state judges in Pennsylvania, spread by the persecuting zeal of William Duane of the *Aurora*, threw the great Republican state of the North into a frenzy of factional strife which Jefferson tried in vain to allay. These local quarrels proved but the prelude to schism and intrigue in the national

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Congress, which shattered the harmonious relations between the Executive and the Houses and reduced the latter to pitiable weakness at just the moment when union and strength were necessary to meet the encroachments of the European belligerents on our commerce.

The man who introduced strife into Congress was John Randolph. This highly gifted, but contentious and abusive, son of Virginia, who boasted that the blood of Pocahontas ran in his veins, had been displeased from the beginning of Jefferson's administration with the consideration shown to the Northern states. Conciliation was no part of his political creed. The Republicans, he thought, should conduct the government with as complete regard to the interests of the agricultural South as the Federalists had for the commercial North. There were enough able men from Virginia and the Carolinas to advise the President without his needing to have recourse to the Lincolns and Dearborns and Crowninshields of Massachusetts. Randolph conducted the prosecution in the impeachment of Justice Chase at Jefferson's express request, and when Chase was acquitted by a Senate in which sat 34 Republicans and only 10 Federalists, it was proof enough to Randolph that he had been left in the lurch by the administration. He was through serving Thomas Jefferson.

Randolph's opportunity for revenge came with the opening of Congress in December, 1805. Jefferson had two or three political "hobbies" on which he insisted, in spite of opposition from foes and advice from friends, with a persistence that was strange in a man generally so shrewd in political compromise and patient in the handling of expedients. One of those hobbies was the acquisition of West Florida. He had committed himself to the doctrine that the Perdido River was the eastern boundary of the Louisiana Purchase, and for this he labored against the flat refusal of Spain to surrender West Florida and the cynical indifference of Napoleon to his entreaties to make Spain surrender it. There were matters of far more importance to the United States than the possession of a few square miles between the Iberville and the Perdido, yet Jefferson seemed even ready

to go to war with Spain over this territory. In his message of December 2, 1805, he recommended the better defense of our seaports, the reorganization of our militia, the preparation of our troops on the Mississippi to resist Spanish "aggressions," and even hinted at the desirability of building ships of the line. Three days later he sent a confidential message to Congress, suggesting an appropriation for the purchase of Florida. The public message was intended for popular consumption at home and abroad—to exhibit the executive as a strong defender of American rights and to frighten Spain to part with her province. The secret message contained the real plan for getting West Florida. Jefferson had worked this same ruse three years earlier when, under the threat of "marrying ourselves to the British fleet and nation," he had secured Louisiana from France for a price. But the astute President overlooked some very important differences in the two situations. We got Louisiana for money in 1803 not because we either bullied or bribed Napoleon, but simply because Napoleon himself suddenly determined to sell Louisiana. The real offer came from him and not from us. But in 1805 King Charles had no desire to sell West Florida, and Napoleon had no disposition to compel him to do so. In fact, on the very day that Jefferson sent his menacing message to Congress, Napoleon won the tremendous victory of Austerlitz against the combined armies of Austria and Russia and entered on that course of conquest of the continent of Europe which left him little interest in the disposal of a strip of land along the Gulf of Mexico. From the year 1806 on, while Jefferson and Madison were still flattering themselves that they could bring "pressure" to bear on Napoleon by diplomacy or the threat of commercial discrimination to secure us the "rightful boundaries" of Louisiana, Napoleon was only using Florida as a bait to dangle before our eyes in order to keep us from looking too favorably on his great rival England.

Randolph had been a party to the game of threat-and-purchase in 1803, but now he threw himself into violent opposition. He was chairman of the Ways and Means Committee. When Jefferson's request for $2,000,000 to buy Florida was read to

the House, he declared that he would have no part in delivering the public purse "to the first cutthroat who demanded it." The inconsistency of appropriating money to buy a province which we insisted that we had bought three years before furnished a fine topic for his sarcasm. Although he had no more intention of proceeding to war than Jefferson, he adopted the belligerent tone of the first message and moved that troops should be raised to protect our southern frontier. Jefferson had to choose between the rupture of his party in Congress and the abandonment of his plan to purchase West Florida. He clung to his hobby and got his $2,000,000. But the vote in the House, which was composed of 112 Republicans and 27 Federalists, showed a majority of only 22 for the bill, and the $2,000,000 remained still untouched when Jefferson went out of office. Randolph's faction—called the "Quids"—was not numerous. The President affected to ignore them, once calling them "3 or 4 in number and all tongue"; but, for all that, their brilliant leader was a thorn in the side of the administration. The habit of opposition grows by what it feeds on. It was enough henceforth for any measure to have the support of Thomas Jefferson to insure its opposition by John Randolph.

Randolph had his hobby, too. The word "Yazoo" threw him into a rage like King Henry's when he heard the name of Mortimer. The state of Georgia claimed the land west to the Mississippi River under its colonial charter. In 1795 the legislature of Georgia sold 50,000,000 acres near the Mississippi and Yazoo Rivers to the Yazoo land companies at an average price of one and one-half cents an acre. It was a corrupt transaction by a corrupt legislature most of whose members were in the deal. The people of the state indignantly turned the legislature out at the next election, and the bills of sale to the Yazoo companies were rescinded. There was no provision made, however, for the innocent purchasers of land from the companies. Both Adams and Jefferson were petitioned to secure redress from the state of Georgia, but nothing was done until 1802, when the state surrendered to the Union its Western claims. Then the United States inherited the Yazoo controversy. Jefferson

appointed three of his cabinet members—Madison, Gallatin, and Lincoln—to devise an adjustment, and they recommended the appropriation of 5,000,000 acres of public land in the territory of Mississippi to satisfy the *bona fide* claims of the purchasers from the Yazoo companies. Randolph opposed the measure with frantic violence every time that it came up in the House. There was no epithet in his choice vocabulary of slander that was too severe for a "Yazoo man." The innocent and the guilty were condemned together. A blameless purchaser in Pennsylvania or New England was an accomplice of the Yazoo speculator. Year after year Randolph killed the bills for the relief of Yazoo buyers, even after the Supreme Court, in the decision of Fletcher *vs.* Peck (1810), had pronounced the Georgia repealing act a violation of contract and hence null and void. It was only when Randolph failed to be returned from his congressional district in the election of 1812[1] that the settlement of the Yazoo claims was finally pushed through Congress.

Another figure of ill omen for Jefferson's second term appeared in the scene of March 1, 1805, in the Senate chamber. When the vote was announced clearing Justice Chase of the impeachment charges, Aaron Burr rose from the president's chair and with a smile and a bow conveyed his congratulations to Jefferson's intended victim. Three days later Burr left the vice presidency to engage on a career of treasonable adventure which reads more like the romance of "Rupert of Hentzau" than a chapter in the history of our infant West. Burr's political ambition was great, and it was frustrated at every point. Intrigues with the Federalists in 1801 and 1804 had ruined him with the Republicans, and the slaying of the great Federalist leader had made him an object of hatred not only to the followers of Hamilton but to all respectable Americans. He was a man without a party and almost a man without a country. All that

[1] By a kind of "poetic justice" it was Jefferson's son-in-law, John Eppes, who defeated Randolph in this election. The erratic Virginian was absent from Washington, however, for a single term only. He was returned to the House in the election of 1814 and remained there fifteen years longer.

remained to him was his restless spirit of selfish ambition. He turned to the West to build up his fortunes anew. Just what he intended to do in the Mississippi Valley we do not know, and it is probable that Burr himself did not know. His plans shifted as his prospects changed. Some historians believe that he plotted the detachment of the trans-Allegheny country from the Union, some that he aimed at the conquest of New Orleans as a capital for a great Western state including Louisiana and Texas, some that he dreamed of invading Spanish territory to the south and setting up the empire of a new Montezuma in Mexico. However these grandiose schemes may have played through his mind, one thing is certain: he collected men, money, and arms beyond the mountains for use either against the United States or against a friendly neighboring power. This was his treason.

Burr knew the dissatisfaction in Louisiana caused by the act of Congress of 1804. He talked with the delegates who brought Livingston's protesting petition to Washington in December and was confirmed in his belief that Louisiana was ripe for rebellion. In the summer of 1805 he approached the British minister Anthony Merry with an appeal for $500,000 and a supporting squadron in the Gulf of Mexico from England, in return for which the parts of the new empire wrested from Spain were to be opened to British trade. Failing to get a response from England, he turned to Spain, representing to her minister at Washington, d'Yrujo, the great advantage of creating a strong state under friendly rule between Mexico and the hostile republic of America. He got $10,000 out of d'Yrujo before that gullible gentleman received word from Spain to have nothing to do with his schemes. This threw Burr entirely on such allies as he could find in the West, and by what must have been rare powers of persuasion he enlisted the sympathy and support of various persons—the rich Irishman Blennerhassett in his island "castle" on the Ohio; James Wilkinson, the double-dyed traitor in command of the United States troops in Louisiana; Andrew Jackson, major general of the militia of Tennessee; Daniel Clark, a wealthy merchant of New Orleans; and a number of less important persons. But there was too

much talk and too little money for a successful conspiracy. When Burr was finally ready to start down the Ohio from Blennerhassett's island, in December, 1806, it was not as a conqueror with an "army," as he had boasted, but as a fugitive from justice with sixty or eighty followers hastily embarked in a few boats.

For President Jefferson had at last heeded the rumors of conspiracy which had been coming to him for over a year, and on November 27, 1806, issued a proclamation for the arrest of "sundry persons" who were "conspiring to set on foot a military enterprise against the dominions of Spain." Burr eluded the proclamation and kept on his way till he reached the neighborhood of Natchez, on the lower Mississippi, where he learned that Wilkinson had betrayed him. Giving up his case as lost and sinking his arms in the river, he surrendered to the governor of the territory of Mississippi; then broke his parole and, disguised as a woodman, struck across the territory for the Spanish province of Florida. He was seized near Fort Stodert (Alabama) and sent to Richmond for trial on the charge of treason in levying war against the United States.

The eyes of the whole country were fixed on Richmond when the trial commenced in August, 1807. Jefferson was eager for Burr's condemnation. He wrote a dozen letters to George Hay, the prosecuting attorney of the district of Virginia, spurring him on to the assault. But the foes of Jefferson were in the ascendant. Chief Justice Marshall presided as judge, and he delegated as foreman of the jury another Virginian even more hostile to the President; namely, John Randolph of Roanoke. Marshall instructed the jury carefully as to what constituted the "overt act" necessary to convict a person of treason, and warned them against admitting "any testimony relative to the conduct or the declarations of the prisoner elsewhere and subsequent to the transactions on Blennerhassett's island," which was equivalent to an instruction to bring in a verdict of "not guilty." For there was no evidence to show that the men collected on the island were there for the purpose of levying war on the United States. The court summoned Jefferson to

WHERE THE BURR TRIAL WAS HELD

(Chamber of the House of Delegates in the Virginia State Capitol, as it appeared before alterations)

appear as a witness, and when he indignantly refused to obey the summons as inconsistent with the dignity of his office, the lawyers for the defense proceeded to heckle his star witness, General Wilkinson, until it seemed as though, instead of Aaron Burr, he himself were on trial for treason. To Jefferson's great humiliation and disgust the prisoner was discharged. The political enemies of the administration had triumphed, and the revenge of John Randolph for the acquittal of Justice Chase was complete. Freed from the halter which he richly deserved, Burr made his way to France, where he soon gave further proof of his treasonable nature;[1] and a few years later he returned to New York, where he lived in obscure indigence until his death in 1836 at the age of eighty.

While the Burr trial was proceeding at Richmond, an event occurred off the Virginia coast which threw the country into a state of excitement such as had not been experienced since the shots were fired on Lexington Green. The United States frigate *Chesapeake*, Captain Barron commanding, weighed anchor from Norfolk, Virginia, on the evening of June 22, bound for the Mediterranean service. Her guns were still unmounted, and her decks were littered with tackle. The British ship *Leopard* overhauled her outside the capes and sent an officer aboard her with orders from Admiral Berkeley, commanding the British squadron in American waters, to come to and be searched for British deserters in her crew. When Barron replied that he had no deserters aboard, the *Leopard* came within close range and poured a broadside of shot into the *Chesapeake*, killing three men and wounding eighteen. Barron, unprepared to resist, struck his colors after firing a single gun lighted by a coal brought from the ship's galley. Then the British officers took four alleged deserters off the American frigate and left her to crawl

[1] In 1810, when Napoleon's insults to our shipping reached their climax in the Rambouillet Decree, which confiscated all American vessels that had entered French ports after May 20, 1809, Burr addressed a mémoire to Napoleon's minister of police, Fouché, declaring that "with 100,000 troops and a combined attack from Canada and Louisiana, the destruction of the United States was certain."

back to Norfolk with her rigging torn and her hull riddled by solid shot. To understand this wanton attack on an American warship by a nation at peace with us, it is necessary to review briefly the course of foreign affairs since Jefferson's second inauguration.

Our relations with Great Britain during the decade following Jay's Treaty were satisfactory, especially as the French revolutionary wars died down with the close of the century. With the advent of a general European peace in 1801 there was promise that all our grievances would be adjusted. Rufus King, our able minister in London, not only negotiated with the friendly Addington ministry the settlement of the debts long claimed by British merchants but also reported being well on the way to the adjustment of our boundary disputes and even of the vexed question of the impressment of American sailors (1803). But Napoleon's aggressions in the neutral republics of the Continent (Italy, Switzerland, Holland), whose independence he had promised to respect, brought the rupture of the Peace of Amiens and enkindled the war which was to last, uninterrupted on the part of Great Britain, until the overthrow of the upstart emperor of the French and his final exile to the rock of St. Helena. The renewal of the war by England led to the renewal of the depredations on our commerce and the defiance of our rights as a neutral maritime power. Napoleon was determined to starve England into submission, and England, whose very existence depended on the control of the seas, was equally determined to dictate the laws of maritime commerce to the world. The severity of this struggle was the barometer which marked the fortunes of the American marine.

At the very opening of Jefferson's second term came ominous signs of the new policy of England toward neutrals. The tonnage of American vessels engaged in foreign trade had grown, thanks to the constant disturbances in Europe, from 128,893 in 1789 to 922,298 in 1805. Our imports in the same period had increased from $20,000,000 to $77,000,000, and our exports (a large part of which consisted of imports from the West Indies reëxported to Europe) from $19,000,000 to $95,000,000. Nine

tenths of this extensive American commerce was carried on in American ships. The English merchants viewed the enormous expansion of the American carrying-trade with jealous alarm and brought pressure to bear on the ministry and Parliament to check it. Acts of Parliament in 1804 and 1805 opened ports of the West Indies to enemy vessels carrying colonial cargoes, and allowed even importation of colonial products from the Spanish and French islands into England. In the midsummer of 1805 another severe blow was struck at the neutral carrying-trade by the decision of Sir William Grant, Master of the Rolls, in the Court of Appeals in Prize Cases, condemning the ship *Essex*, which had loaded with a cargo at Barcelona, Spain, landed at Salem to pay duties, and then proceeded with its cargo to Havana, Cuba. Sir William maintained that the landing and payment of duties in America did not legalize the voyage, because the cargo was never intended for American markets. The final destination of the cargo was the only thing to be considered, and the *Essex* was clearly a neutral ship carrying enemy goods to an enemy port. As half of our export trade was carried on in these "broken voyages," now declared illegal by the highest maritime court in the British Empire, the dismay of the American merchants and shipowners can be imagined.[1] British cruisers seized a large number of American merchantmen as prizes, and the Admiralty Courts

[1] Sir William's decision was all the harder to bear because in an earlier case, that of the *Polly* (1801), Sir William Scott of the Admiralty Court had declared that "landing the goods and paying duties in a neutral country broke the continuity of the voyage and thus legalized the trade." But the case of the *Polly* cannot be pleaded against the justice of the *Essex* decision; nor is it true, as practically every American historian has urged, that the British court "reversed" itself in the *Essex* decision. For (1) the Court of Appeals was higher than the Admiralty Court; (2) the *Polly* paid the duties in the American port in good faith, while almost all the *Essex's* duties were refunded as drawbacks; and (3) the Prize Court in 1802 condemned the *Mercury* for "attempting to carry on a trade between Havana and Spain by way of Charleston." The Americans were simply taking advantage of favorable circumstances to maintain a trade which was contrary to the British Navigation Acts and to the "Rule of 1756," which forbade neutrals in time of war to trade with ports which were closed to them in time of peace.

condemned their cargoes. Insurance rates on American ships jumped to high figures, and protests were loud in our commercial centers against the arbitrary invasion of our neutral rights.

On October 21, 1805, Great Britain sealed her incontestable authority over the control of the sea-borne commerce of the world by Lord Nelson's destruction of the combined fleets of France and Spain off Cape Trafalgar. A few weeks later (December 2) Napoleon won the mastery of the continent of Europe by his victory over the allied armies of Austria and Russia at Austerlitz. Henceforth it was a mighty duel between "the tiger and the shark." Napoleon, without a fleet, still harassed British commerce by privateers and sought, by seizures and confiscations in French and allied ports in Europe, to frighten neutrals from trading with the British Isles. England, mistress of the seas, prescribed the terms on which neutral commerce might be carried on, with the double purpose of enriching the British merchants and monopolizing the colonial trade.

The first Congress of Jefferson's second term met on the very day of Napoleon's victory at Austerlitz. So little did the President divine the import of the events of the summer and autumn of 1805 that he looked on the renewal of hostilities between England and France as a favorable omen for the United States. Still harping on the acquisition of West Florida, he thought that Napoleon's "embarrassment" with his continental war made the fitting moment to bring pressure to bear on him to force Spain to deliver the province (see page 220). Furthermore, he believed that our preëminent position as the great neutral commerce-carrier of the world was so indispensable to both Great Britain and France that by peaceful coercion we could keep both the belligerents in the path of justice to America simply by manifesting the most impartial justice to them. Our merchants too, while not sharing the President's confidence in the contagion of good intentions, still hoped that American trade would not suffer materially through the restrictions of Napoleon or Great Britain. They were indignant over the seizures made under the *Essex* decision; but on the other hand, the risk of seizure forced freight rates so high, and the price of American

and colonial products rose so rapidly, that the merchant made a profit if only one in three of his swift vessels eluded the British cruisers and landed her cargo safe in a European port. Harking back to the policy of 1774, Jefferson's Congress attempted to hold Great Britain to the path of justice by passing a Nonintercourse Act in April, 1806, excluding a number of important articles of British manufacture from our ports after the fifteenth of the following November. The threat had no effect on England's policy, every month that passed in the intensifying struggle between Great Britain and Napoleon showing more clearly that the rights of neutrals were swallowed up in the voracious demand for victory.

A succession of Orders in Council of the English king and Decrees of the Emperor Napoleon in the years 1806 and 1807 marked the course of the struggle. In April, 1806, just at the moment when our Congress was passing the Nonintercourse Act, the Birtish prime minister, Charles James Fox, announced a blockade of the coast, rivers, and ports of northern Europe from the mouth of the Elbe River in Germany to the harbor of Brest at the western extremity of Brittany—a line of 750 miles. Napoleon's opportunity for revenge came six months later, when he crushed the German army at Jena and entered the Prussian capital, Berlin. Thence he issued his famous Berlin Decree (November 21, 1806) prohibiting all commerce and correspondence with the British Isles, declaring every subject of England found within the lands which his armies occupied a prisoner of war, confiscating all property of English subjects in these lands, and ordering the seizure of any vessels coming from England or her colonies to the ports under his control. This outrageous decree shows the bitterness of the struggle between "the tiger and the shark." England replied in 1807 (January 7 and November 11) with two Orders in Council forbidding coastwise trade between the ports in the power of France or her allies, blockading all ports in Europe from which the British flag was excluded, and forcing neutrals to trade with Britain's enemies directly through British ports, paying duties on certain "enumerated articles" (cotton, sugar, tobacco, molasses,

rice) which were brought to England for reëxportation. Finally, Napoleon answered by a Decree from Milan (December 17, 1807) declaring all ships that paid a tax to the British government or allowed themselves to be searched by British cruisers "denationalized" and "good prize."

These Orders and Decrees, if strictly enforced, would have ruined our commerce with Europe, for they left only Russia, Sweden, and Turkey open to our ships. Access to these countries was controlled by Great Britain through the narrow ways of the English Channel and the Strait of Gibraltar. But the Orders and Decrees could not in the nature of the case be strictly enforced. The flags of all the maritime nations of the Continent had been driven from the ocean, leaving America and England as virtually the only carriers of commerce. And not even the powerful navy of Great Britain was able to keep our swift merchant vessels from reaching the forbidden ports of the Continent, where handsome profits awaited their successful docking. The figures of our foreign commerce for the year 1807, when seizures and confiscations were most abundant, are sufficient proof of this. Our exports for that year totaled $108,000,000 and our imports $138,000,000, being the largest volume of foreign trade in our history until 1835. The customs revenue from our trade in 1806 was $14,667,000, or three times that of any year before 1800. The cargoes of American merchantmen "filled the warehouses at Cadiz and Antwerp to overflowing; they glutted the markets of Embden and Lisbon, of Hamburg and Copenhagen, with the produce of the West Indies and the fabrics of the East, and, bringing back the products of the looms and forges of Germany to the new world, drove out the manufactures of Yorkshire, Manchester, and Birmingham." The 134 richly laden American vessels which Napoleon seized by the Rambouillet Decree (May 23, 1810) show how little able the European antagonists were to ruin our commerce by proclamations. Indeed, had there been only the economic grievance of the seizure of our ships and the confiscations of our cargoes to exasperate us, we might well have continued to protest and profit during the entire war.

IMPRESSMENT OF SEAMEN

But political offenses accompanied the economic aggression. The British merchants besieged Parliament to use every weapon to put an end to the competition of our neutral commerce. Having swept the navies of France and Spain from the seas, the British could not allow those countries still to receive the products of their colonies in American bottoms. The British navy, hard pressed for men, saw their sailors deserting to the decks of American merchantmen, drawn by the attractions of higher pay, better food, and milder discipline. Adopting the principle that commerce under a neutral flag was "war in disguise," England redoubled her efforts to paralyze our shipping. Her cruisers hovered off the coasts from Eastport to the St. Marys River, often coming within the three-mile limit and even within the capes that guarded our bays and rivers. They stopped our vessels, searched our crews, and carried off hundreds of seamen to serve on British men-of-war. It availed a man nothing to show his easily procured certificate of American naturalization, for the British government did not recognize the right of one of its citizens to transfer his allegiance to another country. The British subjects in the American colonies were naturally absolved from the allegiance to the crown by the treaty of 1783, and those *bona fide* American citizens the impressment officers were instructed to respect. But the officers frequently erred, and naturally never in the direction of mistaking a British subject for an American citizen. Just how many American citizens were impressed before we went to war with Great Britain it is impossible to say. But shortly before the outbreak of the war President Madison laid before Congress a very detailed report on the subject, showing 6057 cases of American seamen who had been "impressed and held in bondage" during the three preceding years.[1]

[1] The sufferings of the impressed sailors appear in plaints which have come down to us. A youth named Pindell, held on board the British ship *Bellona*, writes to his father begging for release and saying that he would rather "drown himself" than endure his present condition. A veteran of the Revolution, David Rumsey, whose son was impressed on a British ship, wrote to the Speaker of the House, "If this is all the liberty I have gained, to be bereaved of my children in that form and they made slaves, I had rather be without it."

The first sinister effect on American politics of the renewed struggle in Europe appeared at the close of the year 1806. In the summer of that year James Monroe and William Pinkney had been negotiating with the friendly Whig ministry of Fox a treaty to replace the Jay Treaty of 1795, which had expired. Their instructions were to secure the abandonment of impressment, reparation for captures made under the *Essex* ruling, and a restoration of our West Indian trade to the status of 1801. They had so far modified these instructions as to agree to a treaty securing the reopening of the trade, when the news of Napoleon's Berlin Decree reached London. Then the British negotiators announced that their government would observe the treaty only if the United States would pledge themselves to resist the execution of the Decree. In other words, we were offered a meager and mutilated treaty with Great Britain virtually on the condition that we should provoke a war with Napoleon. "How Monroe and Pinkney could have signed the treaty after the communication of this note," says Channing, "is one of the mysteries of American history: that his action did not put an end to James Monroe's political career is equally hard to understand." President Jefferson refused even to lay the treaty before the Senate, when it arrived in March, 1807, sending back word to the commissioners in London to enter on fresh negotiations.

But long before this mild rebuke reached Monroe and Pinkney all hopes of better terms had vanished. In April, 1807, the general elections returned a majority of 200 Tory squires to Parliament. George Canning, brilliant, overbearing, sarcastic, opinionated and implacable, became the Secretary of State for Foreign Affairs. The press of England soon took its tone from the new government. America was denounced as "an insignificant and puny power," which must not be allowed "to mutilate Britain's proud sovereignty of the ocean." Britannia ruled the waves, and there should be no neutrals! "From the moment Mr. Canning and his party assumed power," says Henry Adams, "the fate of Mr. Jefferson's administration was

sealed. . . . England was determined to recover her commerce and take back her seamen, and America had no alternative but submission or war, . . . equally fatal to Mr. Jefferson's administration. Canning cared little which course she took, but he believed she would submit." The cabinet was already planning the Order in Council which was to close most of the ports of Europe in American trade.

Such was the unpromising state of our relations with England when the attack on the *Chesapeake* occurred, on the same day that the new Tory Parliament met at Westminster. War seemed inevitable. Even from New England, where there was always the most ready disposition to put a favorable interpretation on the acts of the British ministry, came threatening words. John Quincy Adams believed that "Downing Street had decided on hostilities." Jefferson issued a proclamation excluding British warships from the waters of the United States, and began to make arrangements for the disposition of gunboats to protect our ports and to call out militia for the defense of the Canadian border. He dispatched the armed schooner *Revenge* to England with orders to Monroe to demand an apology and reparation for the attack on the *Chesapeake*, and called Congress to meet on October 26, when time had been given for passions to cool and for a reply to be received from Canning. In his private correspondence, which was often a vent for the strong feelings which he hesitated to express in his public writings, the President sounded a note of defiance against "English tyranny bearing us down in every point of either honor or interest." He was for war "unless England did us ample justice in the *Chesapeake* affair," trusting to the "chapter of accidents" for what Napoleon might do to us. His fellow Virginian Nicholas wrote to Gallatin that forbearance now would be as degrading as unqualified submission: "But one feeling pervades the nation. All distinctions of Federalists and Republicans have vanished. The people are ready to submit to any deprivation, and if we withdraw within our own shell and turn loose some thousands of privateers, we shall obtain in a little time an absolute renunci-

ation of the right of search for the purpose of impressment.[1] A parley will prove fatal. . . . I trust in God that the *Revenge* is going out to bring Monroe and Pinkney home."

Contrary winds kept westward-bound vessels in European ports, and it was not until long after Congress had met and listened to a rather belligerent message from the President that news came from the other side. Then, toward the middle of December, a fleet of ships landed in rapid succession at New York, Norfolk, and Boston bringing a batch of ill news. Canning, while ready to discuss the *Chesapeake* case, haughtily refused to abate one jot or tittle of his contention as to the right of impressment. Napoleon had begun to enforce the Berlin Decree by seizing the American ship *Horizon*, driven on the French coast in a voyage from England. A new British Order in Council (November 11, 1807) had practically closed the European continent to our trade. And as an earnest of the way in which Great Britain might treat weaker nations which should show deference to the will of Napoleon, British warships had laid Copenhagen in ruins and carried the whole Danish fleet into an English port as a "hostage." The moment had come to adopt a policy. Submission and war were equally distasteful to Jefferson, and, fortified by his persistent belief that our commerce was indispensable to both belligerents, he recommended that the United States bring them to terms by cutting off that commerce altogether. Every member of his cabinet agreed with him. On December 17, 1807, he sent a message to Congress urging an embargo on all the foreign commerce of the United States. The Senate immediately passed the bill by a vote of 22 to 6, and four days later the House concurred by a vote of 82 to 44. Most of the state legislatures too approved the embargo. In January Congress appropriated $1,000,000 for the defenses of ports and harbors; in March it empowered the President to call on 100,000 militia to serve six months; in

[1] It is interesting to note that this suggestion of withdrawing our merchant marine from trade (the embargo policy) was made six months before Jefferson actually set it in motion. The figure of "withdrawing within our own shell" furnished the opponents of the embargo with the nickname of "the terrapin policy."

April it increased the regular army by 6000 men. Altogether the military expenses reached about $4,000,000.

What the political and economic effects of the embargo would have been if it had been strictly enforced we cannot say. That it was not strictly enforced, in spite of supplementary acts extending the authority of the President to the control of practically all our coastwise and internal commerce by land and sea, is proved by the figures of Gallatin's Treasury reports. Our imports and exports, though falling far below the banner year of 1807, still totaled $78,000,000 during the embargo year of 1808, and the receipts into our Treasury for the twelve months ending September 30, 1808, were $10,000,000. Pinkney wrote to Madison from London that England was feeling the effects of the embargo, but that her people did not believe that we were sufficiently "capable of persevering in self-denial" to maintain the policy. How correct this opinion was is shown by the rising spirit of protest in our country as the severe measures for the enforcement of the embargo succeeded one another without bringing the hoped-for concessions from Canning or Napoleon. The ultra-Federalists of New England of course made political capital of the embargo, which they represented as a diabolical scheme of Jefferson and the "Virginia lordlings" to ruin the prosperity of their section of the country. They rejoiced at the embarrassments of the administration in trying to stop the smuggling of beef, flour, pork, potash, and lumber across the Canadian frontier. They kept their merchantmen abroad earning high freights in the European colonial and coasting trade under British licenses. When the President resorted to force to carry out the law, ordering Governor Tompkins of New York to use the militia to suppress smuggling, they taunted him with the practice of that executive tyranny which he had always professed to abhor. Worst of all, they made open and boastful profession of their attachment to England and their hatred for France. Senator Pickering, still their chief, assured Canning's special envoy, George Rose, that the embargo could not be enforced, that it would soon ruin the party in power, and that the Federalists, the friends of England, would soon be in the

saddle again. Plans were on foot, as in 1804, for the separation of New England from the "tyrannous" government of the Southern states.

After a year's experiment with the embargo the farmers were everywhere feeling the distress of falling prices, and the resolves of the town meetings were "shaking the ground" beneath Jefferson's feet. It was evident that further insistence on the policy would mean civil strife. Furthermore, England had entered the Peninsular War, had freed Portugal from the clutches of Napoleon, and, supporting the revolt of the Spaniards against the emperor's insane tyranny, had opened to her trade the rich markets of the Spanish colonies in America. Jefferson yielded, reluctant and unconvinced, to the pressure of circumstances.[1] On March 1, 1809, the Embargo Act was repealed, and in its place was substituted a Nonintercourse Act with England and France. The President was authorized, in case either Great Britain or France ceased to violate the neutral commerce of the United States, to declare the same by a proclamation, after which trade might be renewed with the compliant nation. This was the beginning of the end of the policy of "peaceful coercion." Three days later, smarting under the first defeat at the hands of a Congress which he had dominated for eight years as no other president in our history has done, Jefferson resigned the reins of government to his successor, James Madison, and retired to Monticello.

Jefferson has been rather severely handled by American historians. In spite of their recognition of his invaluable services for the cause of our independence, of his correct and vigorous diplomatic conduct in the French mission and the office of Secretary of State, of his magnificent courage in sweeping away the political and ecclesiastical survivals in the law code of Virginia, of his skill and constancy in the building of a truly

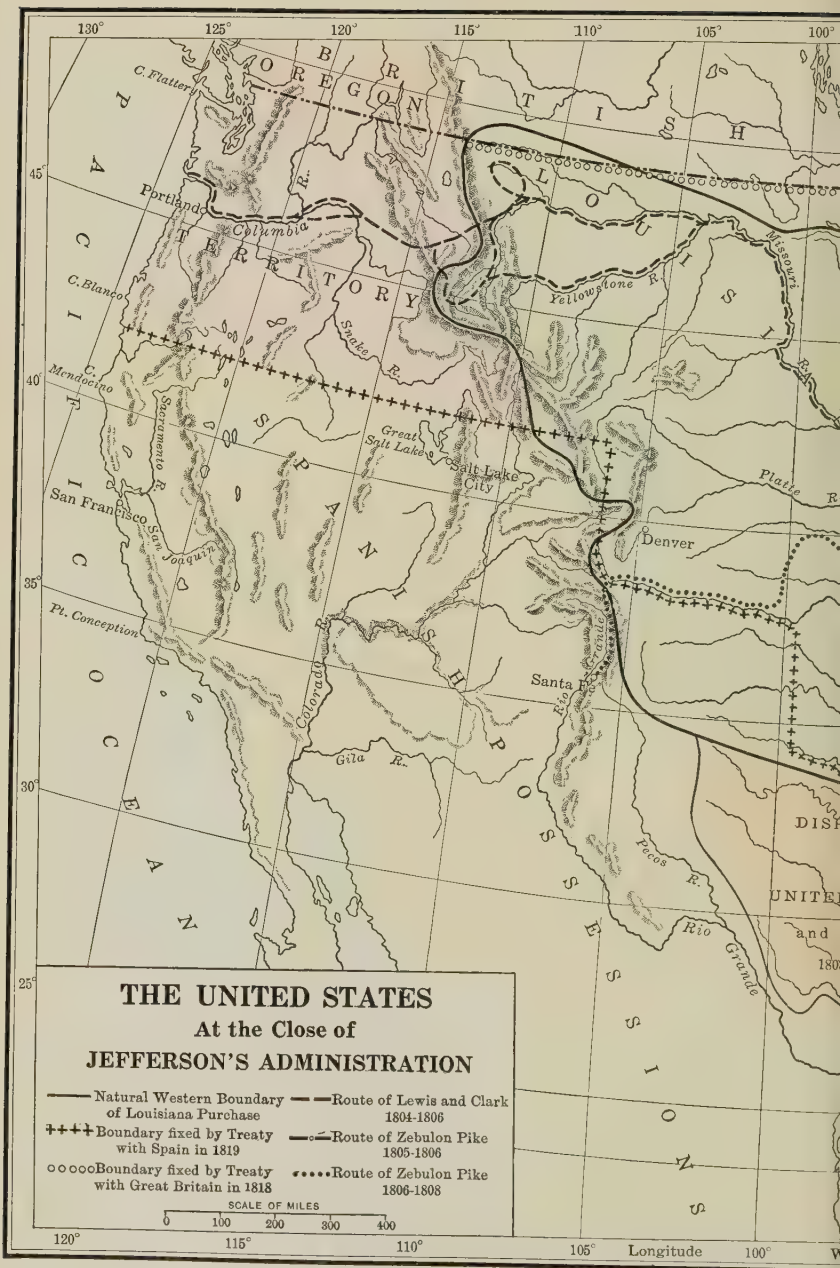
[1] Over a year later he wrote to Henry Dearborn that the Federalists in Congress became panic-stricken and defeated the only policy that could bring England to terms: "They believed in the alternative of repeal or civil war, and produced the fatal measure of repeal. This is the immediate parent of all our present evils, and has reduced us to a low standing in the eyes of the world."

democratic party in the decade of Federalism, they still call him "weak," "vacillating," "insincere," "tricky," and hold him responsible for the unpreparedness of our country for the War of 1812 and for the general low tone of our public administration in the period from 1807 to the close of our second war with England. This is not the place to enter into a detailed defense of Thomas Jefferson's public policy. We may concede that he had faults. He clung to hobbies (like the desire for West Florida and the belief in gunboats) with an unfortunate tenacity. He was often indirect in his methods and dangerously near to duplicity in his words. He undoubtedly assumed a "war posture" for the sake of coercion when he had no idea of fighting. Yet he was in advance of his Congress in the matter of national defense and preparedness. He constantly asked for the increase of the militia, with improvements in its classification and mobilization, for fortifications and seaport defenses, which Congress refused to grant.[1] The embargo was not a capricious invention of Jefferson's to escape from the dilemma of war or submission, but a policy suggested by Wilson Cary Nicholas (p. 240, note), approved by the entire cabinet, passed by large majorities in both branches of Congress, and still supported, a full year after its passage, by a vote of 64 to 49 in the House. And as to a "spineless" foreign policy, it was Jefferson's bitterest enemy, John Randolph, who moved in Congress that it was "inexpedient to resort to war with Great Britain" and ridiculed Madison's statement of the depredations of that nation upon our commerce as "a shilling pamphlet launched against 800 vessels of war." Whether we could have avoided the War of 1812 if Jefferson had not been replaced in the White House by the less forceful and less judicious Madison, it is impossible to say. But at any rate it was fortunate that the war did not come in 1807, when Napoleon was sweeping to the climax of his career, but in 1812, when his power was already breaking against the rock of Spanish and Russian resistance.

[1] In a letter written October 16, 1814, he attributed the embarrassments of the War of 1812 to the failure of Congress to adopt his recommendations.

No one could have foreseen the sinister events of the year 1807, and the United States could not have been "prepared" against them except by the utter abandonment of the policy long adopted by all our political leaders. It is pathetic, in the light of these events, to read Jefferson's message sent to Congress in December, 1806, and Gallatin's report of a few months later. Our debt had been reduced by $33,580,000, and would be wiped out in the course of three years. Then handsome surpluses would begin to accrue to the Treasury, which could be used for great schemes of national development, "to open new channels of communication between the states . . . and to cement their union by new and indissoluble ties." Our coasts should be surveyed and fortified, a great system of canals should connect the Eastern rivers, and roads should be built joining them to the navigable headwaters of the Mississippi Basin. The first appropriations for the national Cumberland Road were actually made. A national university was planned, "to supply those sciences which contribute to the improvement of the country and some of them to its preservation." These promising plans, which show how far Jefferson had advanced on the path of nationalism, were rudely interrupted by the alarums of war. It was not Jefferson's fault but his misfortune that for the rest of his term he had to meet the threats of war with the weapons of peace. One crumb of comfort he had in these last distressing years of his administration. On the first of January, 1808, the law went into effect prohibiting the importation of African slaves into the United States.

James Madison, who was Jefferson's own choice for his successor, was elected over his Federalist opponent, C. C. Pinckney, in the embargo year by a vote of 122 to 47. Madison was a master of ideas, but not of men. Power slipped from the hands of the executive and was contended for by factions in Congress. Disaffection entered the cabinet, and confused counsels. Gallatin, the ablest man of the administration, was opposed by the inefficient Secretary of State, Robert Smith of Maryland, who was supported by a cabal in Congress headed by his wealthy


130°
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C. Flattery
OREGON
TERRITORY
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Columbia R.
C. Blanco
Mendocino
Sacramento R.
San Francisco
San Joaquin R.
Pt. Conception
Colorado R.
Gila R.
Snake R.
Great Salt Lake
Salt Lake City
Yellowstone R.
Missouri R.
Platte R.
Denver
Santa Fe
Rio Colorado
Pecos R.
Rio Grande
PACIFIC OCEAN
SPANISH POSSESSIONS
LOUISIANA
BRITISH
DISPUTED
UNITED
and
1806
Longitude
THE UNITED STATES
At the Close of
JEFFERSON'S ADMINISTRATION
Natural Western Boundary of Louisiana Purchase
Boundary fixed by Treaty with Spain in 1819
Boundary fixed by Treaty with Great Britain in 1818
Route of Lewis and Clark 1804-1806
Route of Zebulon Pike 1805-1806
Route of Zebulon Pike 1806-1808
SCALE OF MILES
0 100 200 300 400

95°
90°
85°
80°
75°
70°
65°
45°
40°
35°
30°
25°
from Greenwich
I. of the Woods
Lake Superior
ILLINOIS TERRITORY
1809
St. Paul
Mississippi R.
L. Michigan
MICHIGAN TERRITORY
1805
L. Huron
Detroit
Chicago
INDIANA TERRITORY
1800
Ohio R.
Cincinnati
Louisville
KENTUCKY
1792
Cumberland R.
Kansas City
St. Louis
Jefferson City
Missouri R.
Mississippi R.
TENNESSEE
1796
Memphis
Tennessee R.
MISSISSIPPI TERRITORY
organized 1798
TERRITORY OF ORLEANS
1804
Galveston
New Orleans
Sabine R.
WEST FLORIDA
SPANISH
EAST FLORIDA
St. Augustine
Charleston
Savannah
GEORGIA
SOUTH CAROLINA
NORTH CAROLINA
C. Hatteras
Roanoke I.
Albemarle Sd.
Pamlico Sd.
VIRGINIA
James R.
Richmond
Potomac R.
Washington
MD.
Del.
PENNSYLVANIA
Pittsburgh
Philadelphia
N. JER.
OHIO
1803
L. Erie
L. Ontario
Buffalo
NEW YORK
Hudson R.
New York
VT. 1791
Augusta
MAINE
N.H.
Boston
C. Cod
MASS.
CONN.
Ottawa R.
ATLANTIC OCEAN
BAHAMA IS.
C. Sable
GULF OF MEXICO
TROPIC OF CANCER
CUBA

merchant brother, Senator Samuel Smith. Two years passed before Madison summoned the courage and vigor to put an end to the strife by replacing Smith with James Monroe. All New England except Vermont reverted to the Federalist column. The Republican majority was still large in both branches of Congress (95 to 46 and 24 to 10), but it was no longer guided by the will of Thomas Jefferson.

For a brief moment at the beginning of Madison's administration, it looked as though our battle for neutrality through diplomatic negotiations might be successful. Whether because of the distress to British manufacturers and merchants which the embargo brought, or because more compliance was hoped for from a president who was suspected by even some of his own party of not being wholly purged of the old leaven of Federalism, Canning actually proposed a settlement of differences at the opening of the year 1809. He instructed David Erskine, the British minister at Washington, to offer the withdrawal of the Orders in Council on three conditions: (1) that we should restore commercial intercourse with England while still retaining the Nonintercourse Act against France; (2) that we should accept the "Rule of 1756," against which we had contended ever since the beginning of the war between England and France; (3) that we should permit the British navy to seize American ships trading with countries which obeyed Napoleon's Decrees. Had Erskine communicated the instructions to Robert Smith and Madison *in extenso,* as he was ordered to do by Canning, they would have been rejected at once. But Erskine was a liberal Whig with an American wife, and in his anxiety to restore unity between the two great English-speaking peoples he "modified" his instructions, representing to Madison merely that the Orders would be withdrawn if we reopened intercourse with England and refused to do so with France. Madison, fully as anxious as Erskine to come to terms, accepted the British minister's advances without asking to see his instructions, and on April 19, 1809, proclaimed that trade with Great Britain might be renewed on the tenth of the following June.

Our shippers were jubilant, and Madison was praised as a statesman by the men who had blamed Jefferson as a bungler.[1] Without waiting for the tenth of June American ships sailed by scores to British ports, loaded with cotton, lumber, grain, and tobacco. Then came the reckoning. The moment he heard that Erskine had exceeded his instructions Canning recalled him and disavowed his arrangement, though honorably exempting from seizure the American ships that had already sailed on his false encouragement. Nothing was left for Madison to do but to issue a second proclamation, restoring the Nonintercourse Act against Great Britain. The Erskine fiasco left our relations with England in a worse state than ever. Nor were matters improved when Madison, taking offense at the language of Erskine's successor Jackson (which he construed as a charge that the American government really knew the contents of Erskine's instructions, but persuaded him to violate them), notified the British minister that further conversation with him would be futile.

The Nonintercourse Act of March 1, 1809, was to expire by limitation at the close of the actual session of Congress. With the new year (1810) our confused and exasperated legislators abruptly changed their tactics. The Treasury report showed for the first time a deficit. Our shippers, exalted by the brief renewal of commerce, were loath to obey the new restrictions. Embargo and nonintercourse had not brought Napoleon and Canning to just respect for neutral rights, though they had injured our trade and impoverished our Treasury. As John Randolph not very elegantly remarked, it was like cutting off the toes to cure the corns. A new policy was framed substituting enticement for pressure. After much wrangling the House agreed, on the first of May, 1810, on Macon's Bill No. 2, which opened commerce again with all the world but authorized Madison, in case either France or Great Britain should modify

[1] John Randolph compared "the sound and healthy body of the present administration" to "the dead corpse of the last." Jefferson, though sincerely glad to see results of peaceful coercion, was suspicious and warned Madison that the terms seemed too good to be true.

their edicts before March 3, 1811, in such way "as to cease to violate the neutral commerce of the United States," to revive nonintercourse against the other power. In other words, as Schouler says, "American influence was put up for auction."

Napoleon Bonaparte was too shrewd to let the opportunity pass without a bid. He had wished since the beginning of hostilities to embroil England and America. If he could not provoke the United States to war, he wanted at least the kind of neutrality which would deprive the English fleet of its commerce. The embargo was welcome to him for this reason. The Nonintercourse Act was less welcome, because by freeing American shipping to the ports not under his control it put that shipping at the mercy of the British cruisers. The Macon Bill, finally, by restoring American commerce to its status before the embargo, was hardly less in his eyes than an alliance between the United States and England. Without an American fleet to protect that commerce or a French fleet to interrupt it, England was again restored to the command of the seas. In this extremity he resorted to the trump card of his diplomacy—a lie. His foreign minister, the Duc de Cadore, addressed a letter to our minister at Paris (August 5, 1810) declaring that "the decrees of Berlin and Milan are revoked, and that after November they will cease to have effect—it being understood that in consequence of this declaration the English are to revoke their Orders in Council . . . or that the United States cause their rights to be respected by the English." The letter was smeared with honeyed words: "His Majesty loves the Americans; their prosperity and commerce are within the scope of his policy [!] The independence of America is one of the principal titles of glory to France. Since that epoch the Emperor is pleased in aggrandizing the United States." The conduct of Napoleon since the seizure of the *Horizon* in 1807 should have been sufficient warning to Madison that his promise was as empty as his flattery was insulting. By the Bayonne Decree of April 17, 1808, he had sequestered all American vessels in his ports on the cynical plea that they must be Englishmen in disguise, because the embargo forbade American vessels to

sail from home! By the Rambouillet Decree of March 23, 1810, he ordered all American ships that had entered his ports since the previous May to be seized and sold. These confiscations had brought the imperial treasury between $8,000,000 and $10,000,000, and they were not yet at an end. For on the same day that Cadore wrote the letter announcing the withdrawal of the Berlin and Milan Decrees Napoleon ordered further seizures by the secret Trianon Decree, and spoke of the Berlin and Milan Decrees as "permanent laws of the Empire."[1]

It was in vain that the marquis of Wellesley, who had succeeded Canning in the foreign office, warned Pinkney that Napoleon's promise in the Cadore letter was no promise at all, but only a ruse to tempt England to relax her Orders before November 1. Madison jumped at every offer, from whatever source it came, to secure the freedom of our commerce by peaceful coercion. With the same precipitate confidence with which he had renewed intercourse with England in 1809 on Erskine's garbled representation, he prohibited intercourse with England in 1810 on Napoleon's flimsy promise. On November 2 he issued a proclamation declaring that the French Decrees had been revoked and that nonintercourse with Great Britain should be revived unless her Orders were repealed before February 2, 1811. Our commerce was increasing rapidly under the Macon Bill. A tonnage of 127,000 was added to our merchant marine in the year 1810. Our exports rose in that year from $52,000,000 to $67,000,000, and our customs receipts from $7,000,000 to $12,750,000. As more than half of our foreign trade was carried on with Great Britain and her dependencies, the chances seemed good that the British ministry would recede from its position. But Downing Street knew Napoleon better than Washington did. The ministry refused to fall into his trap. The second of February, 1811, passed

[1] This double dealing was discovered by Gallatin, our minister to France, in 1821 and called by him "a glaring act of combined injustice, bad faith, and meanness." Twenty years after the overthrow of Napoleon we recovered some $5,000,000 damages, called the "French claims," for these depredations on our shipping.

without any modification of the Orders, and one month later Congress sanctioned the revival of nonintercourse with Great Britain by a large majority.

Public sentiment in America was setting strongly toward war. It was felt that we should have done with protests and expedients, with shifting policies that waited on Napoleon's whims or Wellesley's pride, and manfully assert our rights as a free people. The congressional election of 1810, sweeping out nearly half the members of the House, returned a group of new men, mostly from the South and West, who represented the rising generation. Henry Clay of Kentucky was their leader, and with him were associated John C. Calhoun, Langdon Cheves, and William Lowndes of South Carolina, Felix Grundy of Tennessee, Peter Porter of New York, and Richard Johnson of Kentucky. They were aggressive, confident, and intensely patriotic. They were all under forty. They had no patience with the tortuous diplomatic policy of European courts, no lingering memories of the evolution from colonies into states, no scruples lest the rights of the states should be infringed by too vigorous a policy in Congress. They were of a different generation from the Jeffersons, the Madisons, and the Macons. John Randolph heaped his sarcasm on "the boys" and dubbed them "war hawks," but their spirit bore down all opposition and made further hope of reconciliation with England vain.

Before the "war hawks" took their seat in the new Congress, which Madison convened on November 4, 1811, important events had occurred to widen the breach between England and the United States. At the end of February William Pinkney, tired of fruitless conversations with Wellesley, had asked for his audience of leave, and "for the first time in the history of our country an American minister quitted London in a hostile and threatening manner." In April Robert Smith had been replaced in the State Department by James Monroe, whose experience in Paris, Madrid, and London had disabused him of confidence in the favor of any of the chancelleries of Europe for the cause of American rights. On May 16 the

United States frigate *President*, Commodore Rodgers commanding, while patrolling our shores to protect merchantmen against the impressments which Great Britain had resumed after the revival of the Nonintercourse Act against her, fell in with the British sloop of war *Little Belt* and in a brisk battle forced her to strike her colors. Rodgers's victory was hailed with joy as a tardy but complete revenge for the *Chesapeake* humiliation in the same waters four years earlier. And when the new British minister, Foster, arrived in Washington, authorized at last to settle the *Chesapeake* affair by restoring the two surviving sailors to the deck from which they had been taken, he found the Americans already fully satisfied by Rodgers's victory and talking of the invasion of Canada rather than the punishment of Berkeley.

Just after Congress had assembled, news came from our Western frontier calculated still further to exasperate our feelings against Great Britain. The Indians in the territory beyond Ohio were disturbed by the constant westward pressure of our pioneers. Some of the tribes united under the formidable chieftain Tecumseh to resist further encroachment on the land which the Great Spirit had given them for their hunting-grounds. Tecumseh and his twin brother, "the Prophet," or medicine man, established their headquarters on the Wabash near Tippecanoe Creek, to bid defiance to William Henry Harrison, the governor of the Indian Territory. On November 7, 1811, while Tecumseh was absent in the South stirring up the Creeks, Choctaws, and Cherokees to join in the confederacy, the Prophet made an attack on Harrison's force. The Indians were driven off, and the next day they abandoned their village, which Harrison entered and burned. Tecumseh went over to the British in Canada, who had long been seeking to sow discord between the Indians and their "white brothers" south of the lakes. Harrison confirmed the belief of our Western pioneers that England was putting arms into the hands of the Indians, by reporting the capture of quantities of English gunpowder and rifles on the battlefield of Tippecanoe, apparently purchased from the king's stores at Malden.

President Madison was already yielding to the popular pressure for war. He recounted our grievances at length in his message of November 5, 1811, asking Congress to "put the country into an attitude demanded by the crisis." Congress came to his support. It voted to increase the regular army by 25,000 soldiers, permitted the President to accept 50,000 new volunteers, ordered the refitting of the frigates *Adams*, *Constellation*, and *Chesapeake*, appropriated $200,000 annually for three years for further naval repairs, authorized a loan of $11,000,000 in 6 per cent bonds, and sanctioned the levy of taxes on salt, whisky, slaves, and carriages in case war should come. "The period has arrived," said Porter in his report from the Committee on Foreign Relations, "when it is the sacred duty of Congress to call for the patriotism and resources of the country." On May 19, 1812, the sloop *Hornet* arrived, bringing a dispatch from the British foreign office which Madison many years later called "the more immediate impulse to the war." It declared that Great Britain could make no change in her Orders in Council until Napoleon had absolutely and unconditionally rescinded his Decrees, and spoke of America's acceptance of Napoleon's treacherous proffer as "utterly subversive of the most important and indisputable maritime rights of the British Empire."

Forced to choose, as he said, between war and degradation, Madison, on June 1, 1812, sent in to Congress the single vigorous message of his administration. In it he reviewed the long list of outrages on our maritime rights as a neutral since the renewal of the European war in 1803: the illegal "paper blockade"; the violation of the American flag on the great highway of nations by the seizure of persons sailing under it; the hovering of British cruisers on our very coast, harassing our ships as they went and came, and even "wantonly shedding the blood of our citizens." "Such is the spectacle of injuries and indignities which have been heaped upon our country, and such the crisis which its unexampled forebearance and conciliatory efforts have not been able to avert. . . . Whether the United States shall continue passive under these accumulat-

ing wrongs, or, opposing force to force in defence of their natural rights, shall commit a just cause into the hands of the Almighty Dispenser of events, . . . is a solemn question which the Constitution wisely confides to the legislative department of the government. In recommending it to their early deliberations I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation." The hand was Madison's, but the voice was Henry Clay's. Congress by a vote of 79 to 49 in the House and 19 to 13 in the Senate declared for war,[1] and on June 18 Madison signed the fateful bill. "I flung forward the flag of the country," said the aged Madison in a conversation with George Bancroft a quarter of a century later, "sure that the people would press onward and defend it."

The War of 1812

The War of 1812 was a blunder. It was unnecessary, impolitic, untimely, and rash. Not that our grievances against Great Britain had not been serious enough for several years past to justify war. The indictment of Madison's message of June 1 was not exaggerated. But those grievances were less acute in the summer of 1812 than at any other moment since the attack on the *Chesapeake* five years before. A wise and statesmanlike view at Washington must have seen in the situation both in England and on the continent of Europe, in the twelve months past, fair promise that the grievances would cease at no very distant date. We had been patient in the years of great trial; we lost our patience in the days of relief. We allowed Napoleon Bonaparte, by a promise whose hollowness was evident to every statesman of judgment on both sides of the ocean the day after it was given, to force us into a war with England at the moment when he was leading his grand

[1] This vote shows a good deal of opposition as compared with the votes committing us to our other foreign wars. On the Mexican War the vote was 174 to 14 in the House and 40 to 2 in the Senate; we entered the World War by a vote of 373 to 50 in the House and 86 to 6 in the Senate.

army into Russia to destroy the last state on the Continent that dared to brave his despotic will. The Decrees of Napoleon and the British Orders in Council were admittedly the basic causes for the war.[1] If our State Department had heeded and understood the admirable dispatches from our minister John Quincy Adams at St. Petersburg, it would have read, in the refusal of the Czar to shut the Baltic Sea to American commerce at the behest of Napoleon, the beginning of the downfall of the Continental System. If our able minister William Pinkney had been ordered to remain at London instead of leaving in a huff in the spring of 1811, he would have noted beneath all the stiff pride of Wellesley and Spencer Perceval the growing demand in Parliament for concessions, which actually resulted in the announcement of the total repeal of the Orders in Council two days before our Congress declared war. If General Armstrong had remained at Paris, he would not have allowed Napoleon's foreign minister, Maret, to palm off on him a document antedated by a year, which repeated the lie of the revocation of the Berlin and Milan Decrees as applied to America. But we abandoned diplomacy at the very moment when we needed it most. In the summer of 1811, when the war spirit was rising in the country, and the Congress which the war hawks were to dominate was already called in early session, we had no minister at the court of England or France. A few months more of patient diplomacy would have averted the war.

If, however, national honor demanded that we should fight in 1812, it is by no means clear that England was the nation with which we should have fought. So far as it lay within his power, Napoleon was as contemptuous of American rights as was Great Britain. True, his cruisers did not hover on our coasts—for he had no cruisers to hover; he did not impress American sailors—for he had no fleet to man with them. But

[1] To be sure, the impressment issue was constant, but as Henry Adams points out, it had never been made a *casus belli*. Great Britain's attitude was generally one of willingness to adjust it. It became a waning issue after England's complete defeat of Napoleon on the sea (1805).

he treacherously confiscated millions of dollars' worth of American shipping in the ports of France, Denmark, Holland, Spain, and Naples and appropriated the receipts to the imperial treasury. A table contributed to Congress by Madison in July, 1812, showed that the French had seized 558 American vessels and the British 389 during the five preceding years. John Russell, our *chargé d'affaires* at Paris, wrote repeatedly in 1811 to warn Madison that "the great object of Napoleon's policy" was to "entangle us in a war with England," and that the French emperor refused to give any clear evidence of the repeal of the Decrees, "lest it should induce the extinction of the British Orders and thereby appease our irritation" against Great Britain. Even Madison himself naïvely agreed in a letter to Jefferson (March, 1811) that it was "difficult to understand the meaning of Bonaparte toward us," and attempted to excuse him for his "obvious folly" on the score of his "ignorance of commerce." Furthermore, the British ministers were not using threats, cajolery, and ruse to drive us into a war with France. If Canning was brutal and Wellesley haughty, they were at least frank. Neither of them used sickening words of flattery to us and lied in his throat. Finally, it was Napoleon and not England that was the enemy of the human race. Our declaration of war on the power that most consistently and effectively stood between Napoleon and an enslaved Europe seemed to many in our country little less than striking an alliance with the Corsican plunderer.

Yet it is not hard to see why England was the worse enemy in the popular mind. Aside from the general considerations that the whole leaning of the party which had been in power since the beginning of the century was toward France and that England was our "traditional enemy," the specific acts of British provocation were much more exasperating than anything Napoleon could do to us. American seamen had actually been killed by British cannon balls on the high seas. American sailors had actually been pressed into the crews of British men-of-war to endure the brutal treatment, the starvation rations,

and the noisome quarters of their floating prisons.[1] In the South and West, where the war fever was intense, both economic and political interests were anti-British. The South, not yet bound to England by the ties of cotton, still preserved the Jeffersonian prejudice in favor of agriculture against shipping. The West, ardent for expansion, found England and not France athwart the path. It was British agents in Canada who, from St. Clair's defeat in 1791 to Harrison's victory in 1811, had encouraged the Indians to resist our advance into the Northwest, which Great Britain had ceded to us in the treaty of 1783. It was the British minister at Washington who protested against Madison's occupation of West Florida.[2] And since the union of England and Spain against Napoleon in 1808, Great Britain supplanted France as the strong power which would prevent our flag from flying over the fortresses of the Gulf shore. Napoleon's diplomatic policy might be treacherous, and his confiscations (chiefly at the expense of New England merchants) exasperating. But Napoleon was remote, and England was provokingly near.

Yet England did not want war with us any more than we wanted war with her. She was laboring under great economic and political distress. The burden of the Napoleonic wars had driven her debt up to nearly $4,000,000,000. Her exports had declined 33 per cent in the year 1811. In the autumn of the same year, after a winter of bitter cold and a summer of rain and fog, the price of wheat rose to about $4 a bushel. Riots broke out in several counties. George III had become hope-

[1] In January, 1812, Madison sent to Congress a most detailed report of Monroe's on cases of impressment which had come under notice. They amount to no less than 6057, a number which an investigating committee of the Massachusetts legislature found "three or four times too large."

[2] Madison, in full accord with the Jeffersonian theory that we had purchased West Florida in the Louisiana treaty of 1803, issued a proclamation, October 27, 1810, joining that region to the territory of Orleans, and even secured from Congress, in 1811, authorization to occupy East Florida, to which we had never pretended to have a claim. The part of West Florida west of the Pearl River was incorporated into the new state of Louisiana in 1812.

lessly insane, and in the interval which preceded the establishment of the regency Spencer Perceval, the ultra-Tory minister, carried on the government with a high hand. From the assembling of Parliament, in January, 1812, it was evident that the Perceval government was doomed. The marquis of Landsdowne in the Lords and Henry Brougham in the Commons attacked the Orders in Council and pleaded for the concessions necessary for the reopening of the trade with the United States, which was worth $60,000,000 a year to England. Even Canning was won to the policy of relaxation and voted with the 144 members who supported Brougham. In April Castlereagh offered to stop issuing licenses and put an end to paper blockades if the United States would restore commercial intercourse. A few days later the regent offered to declare the Orders in Council revoked as soon as Napoleon should give convincing evidence of the repeal of the Berlin and Milan Decrees. All this pointed in one direction, as a man of Pinkney's sagacity must have seen if he had been at his post at the court of St. James. Then came Perceval's assassination by a lunatic in the lobby of Parliament, on May 11; and in the confusion of the hour, ere the literal downfall of the chief was known in America, President Madison sent his war message to Congress.

The United States was woefully unprepared for war, though in a flourishing condition for times of peace. Our wealth and population were growing rapidly. The census of 1810 showed a population of 7,240,000, an increase of 35 per cent over the number at the time of Jefferson's first inauguration. In spite of the reëstablishment of nonintercourse with Great Britain, our foreign commerce for the year 1811 was still well over $100,000,000, 93 per cent of which was carried on in American ships. Secretary Gallatin's report to Congress in November presented the pleasing prospect of a surplus of $5,000,000 for the next fiscal year. We were an agricultural country, our exports consisting chiefly of cotton, tobacco, rice, flour, potatoes, and grain. But Jefferson's commercial policy had already caused the diversion of considerable capital from shipping to manufactures. By 1812 about a hundred cotton mills in the country

were using 3,600,000 pounds of raw cotton, and the manufactures of wool, flax, leather, wood, and iron were mounting to a total of some $50,000,000. The authorization of the Cumberland Road in 1807 (to run from Cumberland, Maryland, through Pennsylvania and Ohio to the West), the elaborate plans of Jefferson and Gallatin for the devotion of national income to schemes of internal improvement, the opening of the Northwest through Harrison's victory over the Indians at Tippecanoe, and the placing of the steamboat on the Western waters all gave promise of an era of expansion and prosperity.

But none of this wealth and opportunity was mobilized for war. The regular army consisted of ten half-filled regiments of untrained and ill-equipped men, dispersed in petty garrison squads along our extended frontier and in our chief coast forts. From the Wabash and Maumee Rivers westward the country was unprotected, except for garrisons of about 100 men each in Forts Dearborn (Chicago) at the foot and Mackinaw at the head of Lake Michigan, with some 125 soldiers at the important post of Detroit. Congress had appropriated barely $3,000,000 for the army in 1811. The old officers were described by Winfield Scott as "generally sunk in either sloth, ignorance, or habits of intemperate drinking . . . Swaggerers, dependents, decayed gentlemen . . . utterly unfit for any military purpose whatever." The new appointments of 1812 were little better. Henry Dearborn, Jefferson's old Secretary of War and later customs officer at Boston, was named senior major general. He was without counsel in the camp or experience in the field. Thomas Pinckney, the junior major general, had made an enviable record in diplomacy at the courts of Madrid and London, but his military education had ceased thirty years before, with the defense of the Carolinas against Cornwallis and Tarleton. Of the half dozen brigadier generals appointed, including the notorious James Wilkinson, not a single one had served in the regular army, and only William Hull, governor of the Michigan Territory, had actually led a regiment in battle. The generals were all between fifty-five and sixty-seven years of age. The navy which we had to oppose to Great

Britain's 800 ships consisted of 16 frigates, brigs, and sloops of war, running from 150 to 1500 tons, and only 3 carrying more than 40 guns. The 165 gunboats, so dear to Jefferson's heart, were of some little use in defending the coast in still waters, but in a heavy sea they were in danger of careening under the weight of their single gun! "A few fir-built frigates manned by bastards and outlaws" was a London journal's contemptuous summary of our navy. Yet, insignificant as our naval force was in comparison with Great Britain's, it was commanded by young, enterprising, and intrepid officers like Bainbridge, Isaac Hull, Decatur, Lawrence, and Rodgers, most of whom had seen service in the Mediterranean wars.

Military unpreparedness, however, was only one of the handicaps under which we entered the war with England. Lack of roads, canals, bridges, causeways, and dredges made communication between the Atlantic seaboard and the trans-Allegheny region costly and difficult. Munitions and supplies had to be laboriously transported across rivers, swamps, and wilderness. Officers were distressed to keep up a semblance of morale in their meager armies, half mutinous from hunger and cold. The factious Congress of 1811, chiefly to vent its spite on Gallatin, had refused to recharter the National Bank and had thus deprived the government of its fiscal agent at just the moment when it needed it most. Forced to depend on the state banks, with their unregulated issues of paper and the varying credit of their notes in the different sections of the country, Gallatin found great difficulty in placing the loan of $11,000,000 which Congress had been induced to authorize in March, 1812. When the harassed secretary asked for the levy of internal taxes, the House rebuked him for proposing "unrepublican measures."

Most serious of all the handicaps of the administration was the lack of that national spirit of coöperation which would easily have produced men and money in abundance to win the war. Not only were the vast majority of our people apathetic, but whole sections, notably New England, were bitterly opposed to the war. When the declaration was voted, thirty-four con-

gressmen signed a vigorous protest which was circulated all over the country. The Federalists asserted that the war was precipitated by the "Virginia cabal" and the "madmen of Kentucky and Tennessee," for the sake of conquering Canada and ruining the flourishing commerce of the United States. It was nothing less than a base alliance with the tyrant Napoleon for shattering the British Empire. Two of their leaders called on the British minister Foster to suggest a plan for commercial coöperation and said openly that their sole hope from the war was that it would "turn out the administration" and leave the Federalists to "make a solid peace with Great Britain." The New Englanders hung their flags at half-mast and tolled the bells in their churches when war was declared. The governors of Massachusetts, Rhode Island, and Connecticut refused to heed the President's call for militia, on the ground that the conditions, as prescribed by the Constitution, under which the militia could be called out did not exist.[1] With more than half the specie of the country in her bank vaults, New England subscribed for less than $1,000,000 of the $11,000,000 loan of 1812, and during the entire war contributed less than $3,000,000 of the $41,000,000 paid into the Treasury. In addition to this negative policy of obstruction, the Northern and Eastern states were guilty of positively treasonable intercourse with the enemy across the border. "Two-thirds of the army in Canada," wrote the British commissioner Sir George Prevost to his superior in London, in August, 1814, "are at this moment eating beef provided by the American contractors, drawn principally from the states of Vermont and New York; . . . large droves are daily crossing the lines, coming into Lower Canada."

[1] Under the Constitution (Art. I, sect. 8, par. 15) Congress has power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." As if the declaration of war, passed by both Houses of Congress and signed by the President, were not a "law of the Union"! The governors, supported by their legislatures, assumed to judge for themselves when the state of the country (or at least their part of it) needed defending. A decision of the Supreme Court in 1827 settled the question by confirming this right of judgment to the President.

In spite of an enrolled militia of nearly 700,000 men in the states, less than 10 per cent of the 50,000 whom Congress authorized the President to call out responded at the beginning of the war. In spite of increased pay and bounties in land and money, less than one third of the soldiers provided for by the regular-army bill were recruited in the summer of 1812. We had over 1,000,000 male white citizens of military age, yet the War Department could never put an army of more than 10,000 or 12,000 men in the field at one time. From the close of 1813 to the end of the war the effective strength of our forces varied between 30,000 and 35,000 men. Scanty as these forces were, they were generally superior to the number of Canadians and Indians who could be marshaled to oppose them on the Lakes and the St. Lawrence. If our troops had had proper commissariat and conveyance, above all if they had had wise and brave leaders, they would easily have carried out the plan of campaign, which was to drive the British from Upper Canada, blockade the St. Lawrence, and capture Montreal. The Republican politicians, young and old, had no doubt of the speedy triumph of our arms on land, though they conceded that the British navy would sweep our ships from the ocean. Clay boasted that the riflemen of Kentucky alone would conquer Canada, and Thomas Jefferson declared that the advance to Montreal was "only a question of marching."

The attack on Canada was to be delivered at four points: from Detroit at the western end of Lake Erie, along the Niagara River at the eastern end, at Kingston (where Lake Ontario narrows into the St. Lawrence), and from Lake Champlain down to Montreal. The movement of the American armies was to be from west to east, across Upper Canada and down the river. The plan failed at every point. General Hull was making a laborious march with some 2000 men through the forests and swamps of western Ohio to reach the important fort of Detroit, when he learned that war had been declared. The British in Canada had received the news before him and had captured a schooner on Lake Erie in which Hull had risked sending ahead his baggage and hospital stores, together with a trunk containing papers

THE WAR OF 1812 ON THE CANADIAN BORDER

relating to his plan of campaign and the rolls of his troops. Soon after his arrival at Detroit, Hull got orders from Washington to invade Canada (July 9), and three days later he crossed the Detroit River, with a pompous and threatening proclamation, to lay siege to the British post of Malden. But the march through the Ohio wilderness seems to have exhausted Hull's energy. He pottered around Malden, while his own soldiers grew disgusted and his adversary, General Isaac Brock, collected reënforcements on the northern shore of Lake Erie. As the British controlled the lake, Hull's only hope lay in a rapid and complete victory over the garrison at Malden before help could arrive. Without support from the American armies to the eastward, and separated by two hundred miles from a base of supplies to the southward, he was in a trap. When he heard that the American garrison at Mackinaw had surrendered and that British reënforcements were on the way to Malden from the east, he hastily abandoned the siege and recrossed the river to Detroit. Even when back in the fort with plenty of ammunition and over 1000 effective defenders, Hull failed to regain his courage. He sank into a mood of apathy and dejection, brooding over the imaginary picture of Indian hordes descending on Detroit with torch and tomahawk. When Brock, with only 700 men, crossed over to the American side of the Detroit River (August 16) and prepared to assault the fort, he was astonished to see a messenger approaching his lines with a white flag. Hull surrendered the fort and his entire army without striking a blow. The fall of Detroit meant the loss of the entire Northwest.[1] The American military frontier receded at once from the Mississippi to the Wabash, and the American army marched through Upper Canada as prisoners of war and not as conquering heroes. General Hull was tried by court-martial, found guilty of cowardice, and condemned to be shot. But President Madison pardoned him on account of his services in the Revolution—and his gray hairs.

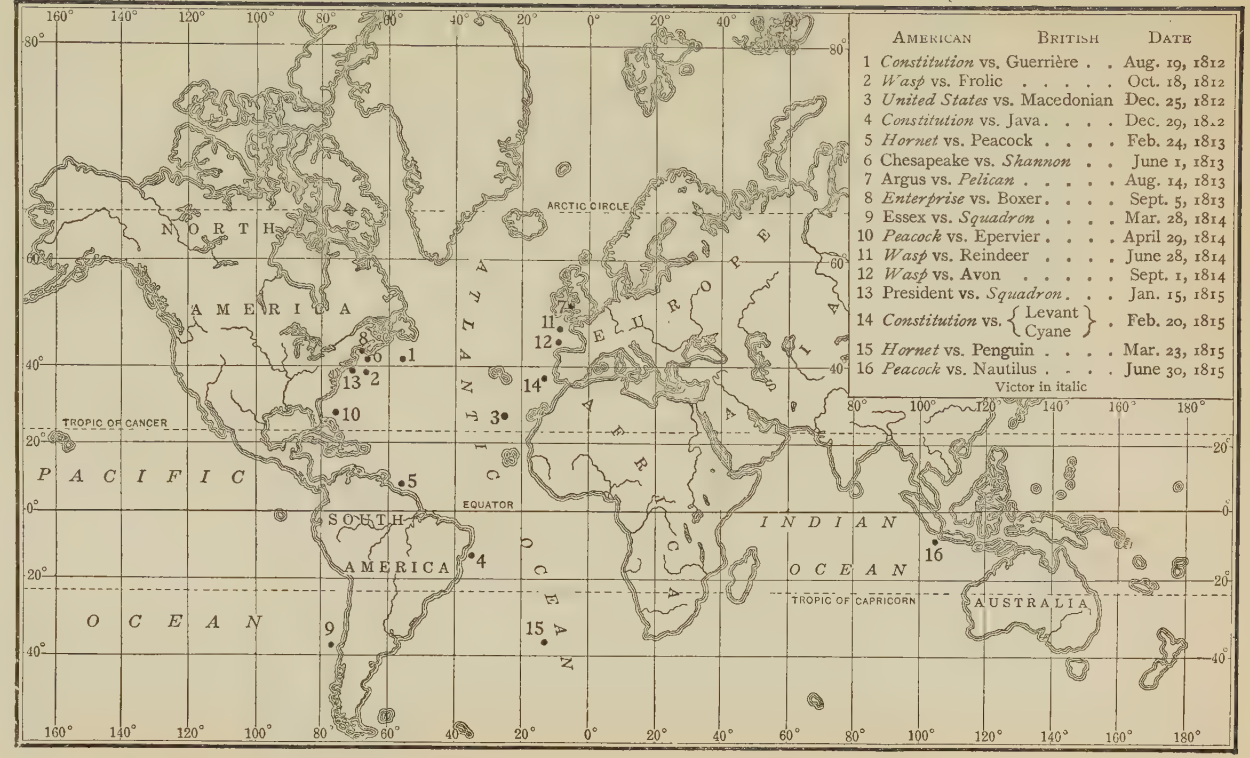
[1] The day before Hull's surrender, and by his order, Fort Dearborn at the foot of Lake Michigan was evacuated. The garrison was massacred by the Indians in the process.

The success of the plan for the invasion of Canada depended on the coöperation of the armies at both ends of Lake Erie and on the St. Lawrence. But there was no agreement between the administration at Washington and the senior major general. Dearborn, who should have been operating at Niagara to support Hull by preventing the British from transporting reënforcements up Lake Erie to Malden, was at Boston on the day of Hull's surrender, debating with himself whether he had better stay on the Atlantic seaboard or go to the Lakes. He had ordered a suspension of hostilities in order that a plan of armistice, suggested by the British when the news of the repeal of the Orders in Council reached America, might be discussed. When operations were renewed on the Niagara River, Hull's fate was already sealed, and Brock's forces were released for service at the eastern end of Lake Erie. There General Stephen Van Rensselaer of the New York militia and General Alexander Smythe of the regular army, instead of joining cordially for an effective attack, quarreled as to the time, the place, and the method of gaining the Canadian shore. Van Rensselaer led a little body of regulars across the river (October 13) and seized Queenstown Heights, but the New York militia refused to leave the state and complacently watched the rout of the regulars by a superior Canadian force. Smythe then took his turn, very fierce in proclamation and very tame in action. Aside from a morning raid off Black Rock, in which he captured a few British guns and partially destroyed a bridge, all his bluster resulted in nothing. Whenever he considered an embarkment, the inadequacy of his force appalled him. Early in December he decided to go into winter quarters. Peter B. Porter publicly accused Smythe of cowardice, and the men fought a duel—after their seconds had taken the balls out of the pistols. It was in accordance with the general *opéra bouffe* on the Niagara. Out of 4000 American troops gathered there in the autumn of 1812, not 1000 could be persuaded to cross the river.

Dearborn himself, with a force as large as Hull's and Smythe's combined, was in command on Lake Champlain, intending to march down on Montreal as Smythe attacked at

Niagara. On November 19 he marched to the Canadian line, which his militia refused to cross, and four days later he marched back to Plattsburg. Hull, Van Rensselaer, and Smythe had at least set some soldiers on Canadian soil, but the senior major general could only march his army twenty miles and back, like the King of France in the jingle. "He was laughed at," wrote George Hay, "by both Federalists and Republicans, and should have gone the way to retirement along with Hull and Smythe, to make room for better men." But it took more than a calamity to nerve Madison to make a dismissal.

A pleasing contrast to this dismal record of our armies on the Canadian frontier was furnished by the exploits of our little navy in the first six months of the war. Three days after his uncle had disgracefully surrendered Detroit (August 19) Captain Isaac Hull, in the 44-gun frigate *Constitution*, met the British brig *Guerrière* (38 guns) in the north Atlantic, and in a spirited battle of half an hour reduced her to a floating hulk of wreckage. When the news of Hull's victory reached Boston it sent a wave of enthusiasm through the country. It mattered little that the American frigate was superior in every way to her adversary; the important thing was that a British warship, whose captain had been active in impressing sailors from our merchantmen and had spread on the log of his plundered victims a taunting challenge to any American frigate, had struck its colors. The days of John Paul Jones had returned. Our captains hastened to sea to emulate the deed of Hull. In October the 18-gun sloop *Wasp* made prize of the equally matched *Frolic*, convoying a British West Indian fleet, 600 miles east of Norfolk. A few days later the *United States*, commanded by Decatur, defeated the *Macedonian* off the Azores and brought her into New London—the only British warship ever brought into an American port as a prize. In December Captain Bainbridge, in the *Constitution*, destroyed the *Java* off the coast of Brazil, the British and American frigates being equally matched in size, guns, and crew. In six months the Americans had forced three British frigates and two sloops of war to strike their colors, while they themselves



	American		British	Date
1	*Constitution* vs.	Guerrière	. .	Aug. 19, 1812
2	*Wasp* vs.	Frolic	. . . . .	Oct. 18, 1812
3	*United States* vs.	Macedonian		Dec. 25, 1812
4	*Constitution* vs.	Java	. . . .	Dec. 29, 1812
5	*Hornet* vs.	Peacock	. . . .	Feb. 24, 1813
6	Chesapeake vs.	*Shannon*	. .	June 1, 1813
7	Argus vs.	*Pelican*	. . . . .	Aug. 14, 1813
8	*Enterprise* vs.	Boxer	. . . .	Sept. 5, 1813
9	Essex vs.	*Squadron*	. . . .	Mar. 28, 1814
10	*Peacock* vs.	Epervier	. . . .	April 29, 1814
11	*Wasp* vs.	Reindeer	. . . .	June 28, 1814
12	*Wasp* vs.	Avon	. . . . .	Sept. 1, 1814
13	President vs.	*Squadron*	. . .	Jan. 15, 1815
14	*Constitution* vs.	Levant / Cyane	.	Feb. 20, 1815
15	*Hornet* vs.	Penguin	. . . .	Mar. 23, 1815
16	*Peacock* vs.	Nautilus	. . . .	June 30, 1815

Victor in italic

The War of 1812 on the Sea

had lost nothing larger than the 18-gun *Wasp*.[1] Our privateers had taken over 300 British merchantmen in seven months. Of course, the loss of four or five warships was of small consequence to the great British navy; but the American victories had the moral effect of stimulating our flagging zeal and the practical effect of keeping the British cruisers away from our ports just when the large fleet of merchantmen which had sailed from England on the repeal of the Orders in Council, and before the news of the declaration of war had reached Europe, were bringing millions of dollars' worth of imports to strengthen our impoverished treasury.

The news of these victories did not arrive in time to affect the election of 1812, in which Madison defeated his rival, De Witt Clinton, by the not very ample margin of 128 votes to 89. The Federalists made large gains in New England and New York, electing double the number of representatives that they had sent to the famous Twelfth Congress. The new Congress, called in extra session in May, 1813, was obliged by the pressing needs of the war to put behind it the whole Jeffersonian policy of the abolition of internal taxes and to levy duties on carriages, auction sales, sugar, salt, wines, and liquors, besides apportioning a direct tax of $3,000,000 among the states and imposing a stamp tax on notes and bills of exchange. The expenses of the government had mounted to $16,000,000 for the six months preceding the call of Congress, and it was estimated that $27,000,000 more would be needed to see the year 1813 through. To supplement the revenue from tariff and internal taxes, Congress authorized a loan of $7,500,000. All these financial measures had been carefully prepared by Gallatin before he sailed for Europe on a mission which we shall notice presently, and were passed by respectable majorities. The government was obliged to struggle on, as best it could, with loans and taxes and the emission of Treasury notes, while our import trade sank, under the increasing severity of the

[1] A few hours after the *Wasp's* victory over the *Frolic* the 74-gun British ship *Poictiers* had hove in sight and taken both the victor and her prize into Bermuda.

UNITED STATES FRIGATE "CONSTITUTION"

(From a photogravure. Copyright by A. W. Elson & Co., Belmont, Mass.)

British blockade, from $53,000,000 in 1811 to $22,000,000 in 1813 and $13,000,000 in 1814.

The military campaigns of the spring and summer of 1813 showed no more cause for congratulation than those of the year before. There was the same tale of dilatoriness, discord, and disaster. A detachment of Kentuckians, foolishly pushing ahead of General Harrison's army, were defeated at Frenchtown, a few miles south of Detroit, January 22, 1813, and their wounded, left behind by the British general Proctor without a guard, were horribly massacred in the night by a band of drunken Indians. James Wilkinson and Wade Hampton replaced Van Rensselaer and Smythe at the Niagara front, while General Dearborn went into retirement. But Wilkinson and Hampton, who regarded each other with a mixture of jealousy and contempt, failed as signally as Dearborn to make any advance on Montreal, and went into winter quarters with nothing to show but wasted time and mutual recriminations for their so-called campaigns. The general gloom was deepened by a calamity which checked the victorious career of our frigates. On June 1 Captain Lawrence, in the ill-fated *Chesapeake*, met the British frigate *Shannon* (Captain Brook) outside Boston Harbor. In an engagement of fifteen minutes the *Chesapeake* suffered the fate of the *Guerrière*, and Lawrence was carried below decks mortally wounded and vainly pleading with his dying breath, "Don't give up the ship!"

New British cruisers arrived off our coast, drawing a stringent blockade from New London southward. The frigates *United States*, *Constellation*, *Macedonian*, and *Adams* were penned up in our ports, the *Constitution* was undergoing repairs, the *President* and the *Essex* were at sea, the *Congress* was condemned, and all our brigs except the *Enterprise* were captured. By the autumn of 1813 we had not a single ship patrolling our coast, and the British landed where they would. Exports from New York fell from over $12,000,000 in 1811 to $200,000 in 1814, and those of Virginia from $4,800,000 to $17,500. From Long Island Sound to the Savannah River foreign trade virtually ceased.

The one redeeming exploit of American arms in the year 1813 was the recovery of the Northwest. Hull's surrender of Detroit had shamed and frightened the Western states into an unwonted display of energy, as it let loose the Indian menace and brought the scalping parties to within thirty miles of Louisville. The Kentuckians raised over 10,000 volunteers. The governor of the state appointed the hero of Tippecanoe the major general of its militia. Only twelve days after the fall of Detroit, Harrison started northward from Cincinnati, with the largest army ever mustered in the United States west of the Alleghenies, to recapture the fort. The Navy Department, now at last fully awake to the importance of controlling Lake Erie, set Commodore Chauncey at work to construct a fleet at Presqu'île (Erie). Here he was joined at the end of March, 1813, by Captain Oliver H. Perry of Newport, a young veteran of the French war of 1798 and the Tripolitan war of 1803. By midsummer Perry had built and launched five ships at Presqu'île, sending as far as Buffalo and Pittsburgh for material and equipment, and had dexterously conveyed to the same port five other vessels, which had been penned up in the Niagara River by the British guns at Fort Erie. On August 5 Perry got his squadron across the bar in front of the harbor of Presqu'île and sailed up the lake to a point off the mouth of the Sandusky River, on which Harrison was encamped. His shortage in men was remedied by the dispatch of 100 Kentuckians from Harrison's army to serve on the fleet. He had two brigs of 20 tons each, the flagship *Lawrence*, and the *Niagara*, while his smaller craft carried from 1 to 4 guns each. His opponent, Captain Barclay, who had served with Nelson at Trafalgar, had six vessels, carrying altogether 63 guns to Perry's 57. But the American guns were much heavier, throwing a broadside of 900 lb. of metal to 500 for the British. The two fleets met in Put-in-Bay, September 10, 1813, and after a furious fight of three hours every one of the British ships had struck her colors. The battle was decided by as brave a deed as is written in the annals of our navy. When Perry's flagship, the *Lawrence*, bearing the brunt of the British attack, was reduced to a total

wreck, Perry went over her side into a small boat and, bearing the blue flag inscribed with the immortal words "Don't give up the ship," was rowed, under the fire of the British guns, to the *Niagara*, which had been fighting at long range on the edge of the battle. Perry brought the *Niagara* into the midst of the fight and, passing between the British ships, swept them with both broadsides at once until they struck. Before the smoke of battle had cleared away, Perry sent the good news to Harrison in the famous dispatch, "We have met the enemy and they are ours: two ships, two brigs, one schooner, and one sloop."

Perry's victory compelled the British general Proctor to abandon Detroit and Malden and fall back toward the eastern end of the lake, to the great disgust of Tecumseh and his Indians. Harrison's troops, conveyed across the river to the Canadian side, entered Malden only three days after Procter had abandoned it. They pursued the British eastward along the road to Lake Ontario, overtaking them at Moravian Town on the Thames. There Richard M. Johnson's mounted Kentuckians drove through the British ranks along the river road, while the rest cleared the Indians out of the swamp and forest lands on the flank. Procter barely escaped capture after a precipitous flight, and the great Tecumseh was among the slain. The battle of the Thames, with Perry's victory on Lake Erie, restored the province lost by Hull. Detroit was again in American hands; the British army abandoned Upper Canada between the Lakes; the Indian menace on our borders was removed; and the country west of the Niagara River was undisturbed for the remainder of the war.

In the spring of 1814 Hampton and Wilkinson followed Hull, Smythe, Van Rensselaer, and Dearborn into retirement, and the northern theater of war was cleared of all the incompetent, swaggering, wrangling generals to make room for a group of energetic and able commanders. George Izard, a highly trained engineer, and Jacob Brown, a Quaker but the best fighter of the war except Andrew Jackson, were appointed major generals, with Winfield Scott and Peter B. Porter among the six

new brigadiers. The effects of the change were soon visible. Brown's army of 5500 crossed the Niagara on July 3, and, on the fifth, Scott's brigade in a splendid action at Chippewa drove the superior British force from the field. Three weeks later Brown waged a furious battle from mid-afternoon till far into the night a few miles down the river, at Lundy's Lane, driving the British again and again from their guns. Darkness and the exhaustion of his troops finally forced Brown to retire from the field, leaving the British technically the victors. But the losses in Drummond's army of 3000 were heavier than those of Brown's 2000; and when, after a period of recuperation, Drummond marched up the river to assault Fort Erie, he met the same stubborn resistance from officers and soldiers, for whom at last the British troops began to have an awesome respect. Four times within six weeks the Americans with inferior numbers beat off his attacks. He was in full retreat toward Chippewa when the Americans finally blew up the works at Fort Erie and retired to their own side of the river (November 5, 1814). The actual results achieved by Brown's campaign were not great, but the moral effect on the country of a commander who could train and inspire American troops was immense—especially as it came at a time of deep discouragement, when our Treasury was nearly empty, our ports blockaded, our ships penned up, our shores ravaged, our Capitol burned, and our Union in imminent danger of letting its power revert by default to the states which had created it.

Nor was Brown's heroic campaign the only redeeming feature of the year 1814. While the Americans were crossing the Niagara to Chippewa and Lundy's Lane, large reënforcements from Wellington's army in the Spanish peninsula were on their way to Canada.[1] Sir George Prevost, with a larger and finer army than Burgoyne had commanded, crossed the Canadian

[1] Napoleon had been driven back to the French side of the Rhine by his crushing defeat at Leipzig (October 16–19, 1813), and his armies expelled from Spain by Wellington's victory at Vitoria (June 21, 1813). Over 10,000 trained British troops, released from service against the Corsican, were dispatched to America to finish up the war.

frontier early in September and set out toward Lake Champlain to repeat with better success Burgoyne's march of 1777. So confident was Prevost that he never broke his columns to deploy. The few American skirmishers who annoyed his march he ignored. Arrived before the strong redoubts which Izard had built just south of Plattsburg, he waited for the British fleet on Lake Champlain to enter Plattsburg Bay and coöperate in the assault. The British fleet was no less confident than the army. Besides the *Confiance*, of 37 guns and a crew of 300 men, the British had three brigs and twelve gunboats. The American fleet, under Lieutenant Macdonough, a young man of thirty but a veteran of the Tripolitan wars, was nearly equal in the number of ships, but inferior in armament. To Macdonough's 45 long-range guns, throwing a weight of 759 lb., the British fleet could oppose 60 guns, with a broadside of 1128 lb. Macdonough placed his ships across the entrance to the bay in such a way as to force the British to fight at close range. When his flagship, the *Saratoga*, had been apparently silenced by her powerful rival, the *Confiance*, Macdonough swung her completely around by a clever device of springs in her cables and brought her unused batteries to bear. The *Confiance* struck her colors, and the three smaller ships were soon obliged to follow suit. Macdonough's victory was complete. The next day (September 12) Prevost, unable to proceed, with the Americans in command of the lake, led his 10,000 back to Canada.

Macdonough's victory on Lake Champlain was the most timely stroke of good fortune in the war. When the incredible news of it reached England in October, it dampened the ardor with which the press had clamored all summer for the annihilation of the "contemptible army" across the sea. When the news reached Ghent, where the British and American commissioners had been trying to negotiate a peace since early August, it heartened our envoys to stand by their demand for a treaty which should not sacrifice a foot of American territory.

At home too the victory came as a solace in the midst of humiliations; for the public buildings at Washington were in

ashes, and the British had "annexed" the coast of Maine from Passamaquoddy Bay to the Penobscot, with the acquiescence of the inhabitants. In June, 1814, Major General Ross had landed, with 4000 troops from Wellington's peninsular army, to coöperate with Admiral Cochrane, a coarse, vindictive officer, whose landing parties for a year had been burning towns and pillaging farms along our blockaded coast. As a culminating act of their marauding expeditions, the British landed on the west bank of the Patuxent River and marched unhindered to Bladensburg, seven miles from Washington. The capital was absolutely undefended. General Winder, the officer in command, was without council, courage, or resource. About 7000 green militia were hastily gathered to oppose the British advance, but they broke and ran at the first attack of Ross's troops at Bladensburg (August 24), only a few hundred marines under Commodore Barney redeeming the honor of the American uniform by a brave but futile resistance. The disgraceful affair was dubbed "the Bladensburg races." That evening the British entered the city, after Madison had fled for refuge to the Virginia woods, and set fire to the public buildings. Only heavy thunderstorms which broke that night and the next day saved the city from total destruction.[1] From Washington the British sailed up Chesapeake Bay to repeat their depredations on the important commercial town of Baltimore. But their troops were repulsed before the redoubts of the town in a battle in which General Ross lost his life, and their fleet, kept out of range by sunken hulks, after vainly trying in an all-night bombardment to lower the Star-Spangled Banner, which was floating over Fort McHenry, headed down the bay for the capes (September 14, 1814). This was two days after General

[1] This exhibition of vandalism in Washington was in retaliation for the burning, by an American raiding party, of the government buildings at York, Ontario. But the latter act was perpetrated by an irresponsible mob, while the burning of Washington was ordered by a vice admiral in the British navy. The prince regent complimented Ross on this "enterprise so creditable to his Majesty's arms and so well calculated to humble the presumption of the American government . . . which has involved that country in an unnecessary and unjust war against his Ma'ty."

Prevost had begun his retreat to Canada and three days before General Drummond failed in his assault on Brown's garrison at Fort Erie.

The same September of 1814 saw an important campaign in the Southwest. Florida belonged to England's ally, Spain. Its conquest was the object of the militia of Tennessee and Georgia, just as the conquest of Canada was the aim of the Northern armies. Soon after the war broke out, Andrew Jackson, a major general of the Tennessee militia, set out with 2000 men against "the lower country." The government at Washington, however, was not yet ready to precipitate war with Spain. To his great disgust Jackson was recalled, and the next year our troops were withdrawn from Amelia Island, a Spanish possession off the coast of Florida, which General Matthews had seized in March, 1812. The Tennesseeans and Georgians, however, only awaited the opportunity to renew the attack on Florida, and that opportunity was furnished by the behavior of the Creek Indians in our Mississippi territory, who had been stirred up by English and Spanish agents from Florida, and still more by a visit from the great Shawnee chieftain Tecumseh. These "Red Sticks," as the hostile Creeks were called, took up the hatchet in the summer of 1813 and massacred 250 whites in Fort Mimms on the lower Alabama. After a hard campaign of a year, in which he had to contend with hunger and incipient mutiny in his own ranks, as well as with the treacherous Indians, Jackson completely broke the power of the hostile Creeks and compelled them to sign the treaty of Fort Jackson (August 9, 1814), by which they relinquished to the United States two thirds of their lands in Alabama. The Mississippi territory thus cleared of the Indian danger, Jackson (who was promoted to a major generalship in the regular army and given command of the military district of the Southwest) pushed on to drive the Spanish power from the shores of the Gulf of Mexico. He occupied Mobile (August 15), and after repelling the attack of a British squad on Fort Bowyer at the mouth of Mobile Bay, he marched across the Perdido into East Florida and raised the American flag over the fort at Pensacola (November 7).

But Jackson was doomed to wait another three years before completing his conquest of East Florida. Already while he was at Mobile, Monroe, who had succeeded Armstrong in the War Department after the raid on Washington, sent him word that a formidable British expedition was preparing for an attack at the mouth of the Mississippi. It was composed of Ross's troops, summoned from Chesapeake Bay, fresh regiments from the Peninsular Army, and West Indians and negroes, amounting in all to some 10,000 men. The expedition was to rendezvous at Jamaica on November 20, under the command of Wellington's brother-in-law, Sir Edward Pakenham. Generous provisions were made for Jackson in men and money, and he was urged by repeated messages from Monroe that New Orleans was the danger point. But Jakcson's heart was set on the conquest of Florida. He tarried at Mobile until the eve of the departure of the British expedition from Jamaica, and, turning at last westward, reached New Orleans only twelve days before Pakenham's advance troops entered Lake Borgne, captured the American gunboats, and made possible a landing on the shores of the lake only fifteen miles from the city. Not a breastwork had been erected for the defense of New Orleans. Jackson's troops were still unconcentrated. If the British had proceeded immediately to the attack, New Orleans must have fallen. As it was, Colonel Thornton advanced with 1600 men to within seven miles of the helpless city. But his superior, General Keane, decided to wait for Pakenham to arrive and assume direction of the campaign. Jackson rose to the dangerous situation with magnificent energy and courage. He concentrated his troops, constructed his lines of defense, located his guns, and disposed his forces with a promptness and skill which excited the admiration of his adversaries. He seemed to divine every movement of the British and was alert to take advantage of every weakness in their position. When Pakenham with great difficulty had got his heavy guns transported across the marshlands and set up against the American batteries, Jackson silenced them in an artillery battle on New Year's Day, 1815, in which he showed superior tactics and marksmanship. A week

IN THE AMERICAN TRENCHES. BATTLE OF NEW ORLEANS

later Pakenham threw his 5500 veterans against Jackson's works in a frontal attack, only to see them mown down like wheat by the unerring fire of the Kentucky and Tennessee riflemen. The victors of Vittoria broke and ran. Pakenham was killed by a grapeshot. Gibbs and Keane, the officers next in command, were struck down. Only Lambert of the major generals was left to conduct the retreat. The British losses on that famous January 8, 1815, were 2036 men as against 71 for Jackson. The shattered British army reëmbarked on Lake Borgne and sailed away to the eastward. Jackson entered the city of New Orleans on the twenty-first, acclaimed by shouts of triumph, which were echoed fourteen years later from the east front of the White House, when the "hero of New Orleans" was inaugurated president of the United States.

Had the Atlantic cable been in existence then, the battle of New Orleans would not have been fought, for the evening before Pakenham arrived to take command of the operations on the Mississippi the British and American commissioners at Ghent had signed a treaty of peace (December 24, 1814). From the moment England repealed her Orders in Council (five days after the declaration of war) there had been discussions of peace. Jonathan Russell, our *chargé d'affaires* in London, approached Lord Castlereagh, and at the same time the British admiral Warren wrote from Halifax to Monroe on the subject of an armistice in September, 1812. But Monroe replied to Warren that an abandonment of the right of impressment was an "indispensable condition" of peace, and Castlereagh replied to Russell that England would never abandon that "ancient and accustomed practice." Then Czar Alexander of Russia, who had brought the wrath of Napoleon down on his head by refusing to adhere to the Continental System, intervened to secure the full coöperation of his new ally England. In September, 1812, his chancellor offered the friendly mediation of Russia to our minister at St. Petersburg, John Quincy Adams. Madison hastened to accept this offer in the spring of 1813 and appointed Secretary Gallatin and Senator Bayard of Delaware to join Adams in the negotiations

at the Russian capital. They sailed in May. Castlereagh, however, declined the Czar's offer of mediation, indicating his willingness to treat directly with American commissioners at London, or at Gothenburg, Sweden. Again Madison welcomed the invitation and added the names of Henry Clay and Jonathan Russell to the group of envoys (January 14, 1814).[1] Our fortunes were very low in 1814. Our victories on the sea had ceased, and our navy was fast disappearing from the ocean. There was disharmony in the cabinet and great discontent in the country. Our foreign trade was almost annihilated. The currency was in the gravest disorder. The country's specie was rapidly accumulating in New England, where disaffection with the war was at its height. The Treasury asked for $40,000,000, a sum greater than the total issue of bank notes in the country. No effort availed to raise the voluntary enlistments above 35,000 men, which seemed a petty number when compared with the forces which England was preparing to send over on the final defeat of Napoleon. When, therefore, the commissioners met at Ghent, in the Netherlands, to begin negotiations (August 8, 1814), the cards in the hands of our envoys were pretty poor. In London, on the other hand, there was confidence. The allies were in Paris. Napoleon had abdicated. The British war office was preparing the expedition which was to chastise the Americans into submission, and the English press was heaping insults on the "despot" Madison, the "contemptible tool of Bonaparte."

The instructions to the British envoys at Ghent reflected the spirit of the country. The Americans must cede land in Maine and upper New York to give the British direct connections between Halifax and Quebec and the control of both banks of

[1] Gallatin, after his departure for St. Petersburg, was rejected by the Senate, on the ground that he could not combine a cabinet office with a diplomatic mission, though Jay in 1794 and Ellsworth in 1799 had served on foreign embassies while in the office of Chief Justice of the Supreme Court. When Gallatin resigned the Treasury portfolio, he was promptly confirmed. The delay caused his name to be placed at the bottom of the list of envoys, but his experience and tact made him the acknowledged leader in all the negotiations.

the St. Lawrence. The Lakes too were to be British, no American posts to be allowed on their shores or American ships on their waters. From the Sandusky to the Mississippi the Western territory, reclaimed by the victories of Perry and Harrison, was to be formed into an Indian state. We were to be excluded from the Newfoundland fisheries, on the ground that the war had abrogated the treaty of 1783. No concessions were to be made on the matters which occupied the main place in the American instructions—impressments, the blockade, and indemnity for maritime depredations. The American commissioners, despairing of reaching any terms which we could accept, were prepared to leave Ghent, when the scene changed suddenly. Late in October the news of our victories reached Europe: how Drummond had been repulsed on the banks of the Niagara; how Macdonough had destroyed the British fleet on Lake Champlain; how Prevost had retreated from Plattsburg; how Ross's army had failed before Baltimore and left Chesapeake Bay. At the same time, the negotiations of the great European congress at Vienna, which Castlereagh was attending in person, took an alarming turn and threatened the renewal of a general European war. Point by point the government at London receded from its high demands, while the American cabinet dropped the impressment question as a *sine qua non* of peace.[1] It still took weeks of patient negotiation, in which Gallatin found the difficulty of reconciling the conflicting interests of Adams and Clay in the Newfoundland fisheries and in the navigation of the Mississippi even greater than the difficulty of agreeing with the British envoys, before the treaty was actually signed on Christmas Eve. Its ten articles

[1] It is still commonly taught in our schools that impressment was the chief cause of the War of 1812. But in reality it was the failure of the British government to revoke the Orders in Council that we made the *casus belli*. After the war was begun Madison continued it on the issue of impressment—for the Orders were repealed at the very outbreak of the war. The cabinet did not drop the question of impressments (as a condition of peace or even of an armistice) until the end of June, 1814. England maintained the right of impressment as long as she held to the doctrine of "indefeasible allegiance." An act of Parliament reasserted the right in 1835, and Daniel Webster was still discussing it with Lord Ashburton in 1842.

provided for nothing more than the cessation of hostilities and the return to the status before the war, leaving the questions of boundaries, fisheries, and the navigation of the Mississippi open for future adjustment. Impressment was passed over in silence. The treaty reached Washington on February 14 and three days later was ratified by the unanimous vote of the Senate. It was received with demonstrations of joy on both sides of the Atlantic, for, except with a few extremists, the war had not been popular in either country. The real cause of the war was Napoleon Bonaparte, for he was the real enemy in both hemispheres. With his fall fell the policies which had been reared to resist his unholy ambition. Orders and Decrees, embargoes and nonintercourse, blockades and impressments, ceased. There was no reason for either England or America to continue the war. For England it would have meant the addition of tens of millions of pounds to her enormous war debt, the continued exposure of her shipping to the American privateers which already virtually blockaded her home waters,[1] and the dispatch of expedition after expedition to a theater of war three thousand miles distant, for the questionable satisfaction of "punishing" a despised enemy or "rectifying" the Canadian border. For America it would have meant the risk of bankruptcy, or even the dissolution of the national government, for the sake of forcing Great Britain to deny in principle an abuse which had ceased in practice.

[1] Over 500 American privateers were sent out to prey on British commerce during the war. These swift, daring vessels infested the shores of the British Isles, sending insurance rates up to ruinous figures. A memorial of the Glasgow merchants and shippers to the prince regent in September, 1814, shows how serious the danger was: "In the short space of two years above 800 [ships] have been taken by that power whose maritime strength we have hitherto held in contempt. It is distressing, it is mortifying, that at a time when we are at peace with all the rest of the world, when we have declared the whole American coast under blockade, when we pay so heavy a tax for protection in the form of convoy duty, and our navy costs so great a sum, we cannot traverse our own Channel in safety nor effect insurance without excessive premiums, and that a horde of American cruisers, unheeded, unresisted, unmolested, seize, burn, sink, destroy our ships in our own inlets and in sight of our own harbours."

That national bankruptcy and dissolution were imminent was the conviction of many, and even the gratification of some. Senator Pickering of Massachusetts wrote in January, 1815, before the news of Jackson's victory had reached the East: "If the British succeed in their expedition against New Orleans (and if they have tolerable leaders I see no reason to doubt of their success), I shall consider the Union severed. I do not expect to see a single representative in the next Congress from the Western states." Disaffection had been constant in New England since the beginning of "Mr. Madison's war." "Express your sentiments without fear," said an address of the Massachusetts General Court to the people of the state, "and let the sound of your disapproval of this war be loud and deep. . . . If your sons must be torn from you by conscription, consign them to the care of God, but let there be no volunteering except for defensive war." The New England governors refused to furnish militia for the invasion of Canada, their bankers declined to subscribe to national loans "to heat the war poker," their merchants speculated in British bills of exchange, and their farmers supplied the armies in Canada with beef and grain. When the government returned to Washington in the autumn of 1814, the ruins amid which it sat down were a symbol of its own condition. The Treasury borrowed paltry sums of the local bankers of Georgetown to meet pressing bills. Not only the New England States but New York, Pennsylvania, Virginia, Maryland, and Kentucky began to raise armies for their own defense. "The states must and will take care of themselves," said Congressman Miller of New York.

A call went out from the legislature of Massachusetts to the other New England States, in October, 1814, for a convention of delegates "to unite in such measures for our safety as the times demand and the principles of justice and the law of self-preservation will justify." Connecticut and Rhode Island responded promptly, and twenty-three delegates (later joined by three members from Vermont and New Hampshire) met at Hartford, December 15, 1814. For three weeks they sat

behind closed doors, secrecy giving the air of conspiracy to their deliberations. There were wild rumors abroad of the secession of New England and her alliance with Great Britain. But when the debates were published some years later, they proved to be no more treasonable than the Virginia and Kentucky Resolutions of 1798. The convention declared that when there were "deliberate, dangerous, and palpable infractions of the Constitution" it was the right and duty of the states to "interpose their authority for the preservation of their liberties." It resolved that the states represented should take steps to protect their citizens from conscription by act of Congress and to secure the right to divert, for the support of armies raised in the state for the defense of its own territory, a part of the federal revenue collected in the states. It also recommended amendments to the Constitution omitting slaves from the census on which representation and direct taxes are based; requiring a two-thirds vote of Congress to admit new states, impose commercial restrictions, or declare war; excluding naturalized citizens from federal office; limiting the president to a single term; and prohibiting the election of two persons in succession from the same state. The hostility to the South and the "Virginia dynasty" of presidents in these proposed amendments to the Constitution is obvious. Three envoys were appointed to carry the resolutions of the convention to Washington to "negotiate" with the federal government. They learned on their way of Jackson's victory at New Orleans, and arrived in Washington together with the messenger who brought the news of the peace treaty of Ghent. Amid the general rejoicing the "ambassadors" from New England slipped out of the capital as quietly as they had come in, and nothing more was heard of the "states' rights" doctrine of New England Federalism.

There is little reason for Americans to be proud of the War of 1812. Although Madison, in transmitting the treaty of peace to the Senate, spoke exuberantly of our success as the "natural result of the wisdom of legislative councils, of the patriotism of the people, of the public spirit of the militia, and the valor of the military and naval forces of the country," every historical

scholar knows that the sober truth of the matter is summed up in Admiral Mahan's characterization: "a record upon the whole of gloom, desertion, and governmental incompetence, resulting from the lack of national preparation." The military significance of the war was trifling, the armies were small, and the total losses in killed and wounded were less than 5000 in a population of 8,000,000. The enemy never penetrated more than twenty-five or thirty miles into our territory and, except for Washington, never held one of our cities for a day. Nevertheless, the effects of the war upon our political, economic, and social life were far-reaching. America struck out on a new path in 1815—the path of full autonomy and quickened national consciousness. Since the beginning of Washington's second administration we had been in a state of semicolonial dependence on the Old World. Our parties had been English and French, "Anglomen" and "Jacobins." The actions of Pitt and Talleyrand, of Canning and Napoleon, had dictated our policies. Adjustment to European conditions had been our chief concern. We had made seven treaties with foreign nations within the period 1794–1814. But in 1815 all this changed suddenly. We turned our back on Europe and began to grapple with the problems of our national life and the development of our national domain. Embargo, nonintercourse, blockade, and war had almost ruined our shipping. Large sums of money were already finding employment in manufacturing industries. By 1815 New England had $40,000,000 invested in cotton factories alone, which consumed 27,000,000 pounds of raw cotton. The war had revealed the need for a stable currency, a dependable revenue, a national army, adequate defenses on the frontiers and the coasts, canals and roads to bind the sections of the country into a real Union.

But, most important of all, the strong particularistic sentiment that had been brought out by the war aroused the country to the danger of the dissipation of political power to which the doctrine of states' rights might lead. The fate of our national government hung in the balance at the close of the year 1814. "The shock of a severe defeat at New Orleans," says Professor

Babcock, "or a complete rupture at Ghent, might have loosed even the slender ties holding the administration together, and sent the fragments of a discredited government flying from the capital, just as the march of the British had dispersed the President and his cabinet in the preceding summer." The "revolution of 1800," which had brought Jefferson into power, had been based on distrust of a strong central government. It had heralded democracy—but a democracy which was suspicious of nationalism. Political power should be strongest in the local centers and delegated with decreasing confidence to the remoter "higher" authorities. But the actual management of government had taught the Republican statesmen, beginning with Jefferson himself, the impracticability of their theory, and the stress of war had completed the lesson. By 1815 the Republicans had abandoned every point of opposition to a supreme national power. The presidents had issued proclamations, and their Congresses had revived whole systems of Federalist taxation. The words spoken by Jefferson in the generous rhetoric of his first inaugural were now true in fact: there were no longer Republicans and Federalists, for the Republicans had put on Federalism. Democracy and nationalism were joined in a happy union, destined to inspire the coming generation to wonderful accomplishments in the name of the new America. The one-time author of the Virginia Resolutions wrote the program of the new age in his annual message to Congress in December, 1815—a liberal provision for national defense, new frigates for the navy, a standing army, national aid for the construction of roads and canals, encouragement to manufactures by a protective tariff, and even the reëstablishment of a National Bank. All of this was "for the great object of enabling the political authority of the Union to employ promptly and effectually the physical power of the Union in the cases designated by the Constitution." The Jeffersonian era was closed.

CHAPTER VI

THE NEW NATIONALISM

Europe extends to the Alleghenies, America lies beyond.
RALPH WALDO EMERSON

EXPANSION—POLITICAL, INDUSTRIAL, AND TERRITORIAL

The keynote of the period of American history from the close of the second war with England to the presidency of Andrew Jackson is *expansion*—the amplification of the power of the central government in acts of Congress and decisions of the Supreme Court, the development of industry in manufactures and agriculture, and the extension of our frontier beyond the Mississippi. This triple process of political, economic, and geographical adjustment brought new forces into play in our American life and raised the problems of states' rights, protectionism, the status of territories, internal improvements, sectional rivalries, and slavery, which characterize the years 1815–1860—the "middle period" of our history.

The response of the Republican Congress to Madison's message of December 5, 1815, was prompt and hearty, and no less hearty was the response of the country to the measures of Congress. If traces of that suspicion of the abuse of power in the hands of the central government which had been the creed of the Jeffersonian party of 1800 still remained, they were confined to the few "old Republicans," like John Randolph of Roanoke,—belated voices crying in the wilderness. The Republican party had put off its particularism and became strongly nationalistic. As Josiah Quincy remarked, with a tinge of sarcasm in his congratulation, it had "out-Federalized Federalism." No sooner was the President's message read than a committee of Congress, headed by John C. Calhoun, was appointed to deal

with the pressing question of our currency. It reported a bill for the establishment of a National Bank with a capital of $35,000,000, whose stock should be subscribed to partly in coin and partly in the funded debt of the United States and whose notes should be receivable for all dues to the government. The Bank was to be exempt from taxation and was to hold the government balances free of interest. In return for these favors it was to transfer public funds from point to point without brokerage charges, lend the government sums up to $500,000, and pay a bonus of $1,500,000 for its charter, which was to run twenty years. The United States should own one fifth of the Bank's stock and appoint one fifth of the board of directors.

Southern statesmen had opposed the establishment of Hamilton's Bank a quarter of a century earlier, on the ground that it was an undue extension of the powers "necessary and proper" to carry out the functions given to Congress by the Constitution, but Calhoun now declared that any discussion of the constitutional aspect of the case was "a useless consumption of time." Henry Clay had argued against the recharter of the old Bank in 1811, but now he descended from the Speaker's chair to urge the charter of the new Bank, confessing that he was "willing to sacrifice the pride of consistency rather than the welfare of the country." The Republican press literally took a leaf from Hamilton's book of politics by reprinting his arguments for the charter of the Bank advanced in 1791. The Bank bill passed the House by a vote of 80 to 69, the Senate concurred, and President Madison, "surmounting the prejudices of a lifetime," signed the bill on April 10, 1816. Early the next year the Bank went into operation, rapidly extending its business to nineteen branch establishments in the various states. Although the Bank was neither very wisely nor very honestly managed in the first two years, its beneficent influence on the currency of the country was felt immediately. The state banks, which had increased from fewer than 100 in 1811 to nearly 300 in 1816 and which had flooded the country with notes whose value diminished from New England southward and westward, were obliged to resume specie payment by February 20, 1817,

on pain of having whatever government deposits they held withdrawn. In the three years following the establishment of the Bank the amount of state bank notes decreased over 40 per cent, being replaced by the uniform, specie-based notes of the Bank of the United States.[1] Secretary Alexander J. Dallas, to whose genius and energy this reorganization of our fiscal system was chiefly due, retired from the Treasury in 1816, handing over to his successor, William H. Crawford, a surplus of $20,000,000.[2]

Seventeen days after the Bank bill became law Madison signed another bill, which gave even stronger proof of the new nationalistic spirit. Embargo, nonintercourse, and war had virtually ruined American shipping. Our foreign trade dropped from $246,800,000 in 1807 to $19,800,000 in 1814. Capital to the amount of some $100,000,000 was diverted into manufactures. A memorial presented to Congress by the New England manufacturers in December, 1815, recounted the progress of the cotton and woolen industries in that section. There were already 140 cotton mills within a radius of thirty miles of Providence, Rhode Island. Pioneer industries had been carried across the Alleghenies to the Ohio valley, where cotton and woolen mills and factories for the manufacture of their machinery were found scattered from Pittsburgh to Cincinnati. When the war ended, England began "dumping" the accumulated products of her factories on the American market at ominously cheap prices, "in order," as Lord Brougham said

[1] The state banks had issued some $170,000,000 of paper currency, based on not more than $15,000,000 of specie in their vaults. When all the banks south and west of New England suspended specie payment (that is, redemption of their notes in coin), in the autumn of 1814, these notes became practically "bills of credit," whose issue is expressly forbidden to the states by the Constitution. Like bills of credit, they depreciated, passing at different values in different parts of the country. Only in New England, where the banks still paid specie, were the notes at par. The contamination of this depreciated currency added to the weakness of the country in 1814–1815, causing the United States Treasury notes also to decline and fluctuate in credit.

[2] It is a singular fact that the three greatest Secretaries of the Treasury in our history before the Civil War were all aliens: Hamilton and Dallas were born in the British West Indies, Gallatin in Switzerland.

in Parliament, "to stifle in the cradle those rising manufactures in the United States which the war has forced into existence, contrary to the natural course of things"—the "natural course" being England's continued monopoly of the American trade. In a single year England sent $90,000,000 of merchandise to our shores. Crates of earthenware and bales of cotton goods, piled on the docks of Philadelphia, Baltimore, and New York, were sold to eager bidders at auction. Over $450,000 was realized from a single week's sale, and the receipts of the New York customhouse from April to June, 1815, were almost $4,000,000. To what end had we finally accomplished our political independence of the Old World if we were now to be made an economic satellite of Great Britain! How could we maintain our dignity as a nation if we were to remain dependent on foreign countries for the necessities and comforts of life! Even the Virginians of the old school joined the enthusiastic prophets of the younger generation—like Clay, Lowndes, Calhoun, Grundy, and Porter—in their demand for national encouragement to the development of our national industries. Jefferson, who, in his "Notes on Virginia," had urged that "our workshops should remain in Europe," lest the introduction of their industrial proletarians should substitute the corrupting influences of the cities for the Arcadian virtues of agriculture in our land, now declared himself in favor of domestic manufacturers, to save us from the alternative of being reduced to dependence on a foreign country or "to be clothed in skins and to live like wild beasts in dens and caverns." Madison recommended protection to home industries in his last two messages to Congress, and Monroe echoed the same sentiments in his inaugural address.

It was in response to this demand for economic self-sufficiency, rather than as a deliberate favor to the newly established industries, that Congress, in the spring of 1816, passed a tariff bill continuing, and even slightly enhancing, the "double duties" levied for the support of the war. Iron, glass, hardware, pottery, leather, and woolens profited by the new

tariff, but cotton was the chief beneficiary. No other industry had made such rapid progress. Thanks to the improvement of the cotton gin, the spinning jenny, and the power loom, our mills consumed 90,000 bales of cotton in the year 1815, as against 100 bales a decade earlier, and turned out a product worth $9,000,000. To prevent the competition of the cheap fabrics from India, worth as low as 6 cents a yard, the bill of 1816 provided that no imported cotton would be rated at less than 25 cents a yard in the tariff schedule. The bill was reported by a committee whose chairman (Lowndes) and a majority of whose members were Southerners, and it was supported in every state of the Union except North Carolina and Louisiana. There were no constitutional objections raised. The bill was a measure of national preparedness. Only a few men, like John Randolph and McDuffie, called attention in vain to the truth (which was later realized by all the statesmen of the South) that it favored the manufacturer at the expense of the farmer. "I lay the claims of the manufacturer entirely out of view," replied Calhoun; "it is the duty of the country as a means of defense to encourage the domestic industry of the country." The bill, he thought, would bind the different sections of our rapidly growing country together, and this mutual dependence would be the surest guaranty against that direst of all dangers that could threaten us—disunion.

Other measures testifying to the new spirit of nationalism were passed immediately on the close of the war. To avoid a repetition of the humiliating experience of relying on an unreliable militia, Congress voted to maintain a regular army of 10,000 men, with Jacob Brown and Andrew Jackson as major generals for the Northern and Southern sections respectively. While such important points as boundaries, fishing-rights, the West Indian trade, and impressments were left unsettled by the peace, there was no guaranty that the peace would be permanent or of long duration. We were pledged, as Secretary Monroe said in 1815, "to maintain our rank among the nations." Jefferson's gunboats were ordered to be sold, and appropriations

were made for new warships to guard our coasts and our shipping effectively. Two hundred thousand dollars a year for three years was voted for the purchase of ship timber alone. Altogether the appropriations for army and navy reached some $4,500,000. Our coast defenses were strengthened, our interior forts remanned and reprovisioned, taxes levied on foreign tonnage in our ports, and our coastwise trade confined to ships of American registry.

The acceptability of the new Republican program of nationalism to the country at large was shown by the presidential election of 1816. Backed by the influence of President Madison, James Monroe, Secretary of State, secured the Republican nomination over his colleague in the cabinet, William H. Crawford of Georgia, in a very "thin" caucus of Congress, by the narrow vote of 65 to 54. Monroe was not a man of first-rate ability, like Jefferson, but his patriotism, openness, industry, and intellectual patience were unquestioned. He was plodding and visionless, too opinionated and insistent over small matters. His diplomatic record at the three courts of Paris, Madrid, and London left much to be desired. His Federalist rival, Rufus King of New York, was an abler statesman, but his weakness was the weakness of declining Federalism, while Monroe's strength was the strength of the new national Republicanism. The Federalists were under no illusions as to the desperate condition of their party—the party of the Hartford Convention, of opposition to the war, of antagonism to the admission of Louisiana, and of hostility to the growing West. "If we cannot make any impression upon the presidential election at this time," wrote Timothy Pickering to King, "I see no hope for the future." King himself had abandoned hope after his unsuccessful canvass for the governorship of New York in the spring of 1816. He spoke of his candidacy as "a fruitless struggle." He even confessed that it was "the real interest and policy of the country that the Democracy should pursue its natural course." "Federalists of our age," he said, "must be content with the past." All that remained to them, he said to his son Edward,

was "to support the least wicked section of Republicans in case of division among them." The election of November confirmed King's gloomy prophecy. He received only 34 electoral votes from the states of Massachusetts, Connecticut, and Delaware. The other nineteen states cast their 183 votes for Monroe.

A few weeks after his inauguration President Monroe set out for a tour of the North and West for the ostensible purpose of inspecting the national defenses. As he journeyed northward through Baltimore, Philadelphia, Trenton, and New York he was received with enthusiastic demonstrations of welcome, which rose to such a pitch when he reached New England that "a humorous cynic compared the scene to the adoration of the Wise Men of the East." Hartford, only eighteen months earlier the seat of the convention which had been bent on wresting the control of the government from the hands of the "Virginia dynasty," now hailed this Virginian president as the "political father and guide" and assured him that party spirit no longer rendered "alien to each other those who ought to be bound together by fraternal affection." In Boston, the very citadel of Federalism, the public authorities and the press vied with each other in heaping honors upon this intimate friend of Jefferson's, who had contributed so much to the conduct of "Mr. Madison's war." The Boston *Centinel*, which had appeared edged in mourning when Jefferson was elected to the presidency, spoke of Monroe's visit as a jubilee which ushered in "an era of good feelings." Monroe took up the phrase and repeated it as he journeyed northward to Portsmouth, then across the states of New Hampshire, Vermont, and New York to Ogdensburg, and thence by the St. Lawrence and the Lakes to Buffalo and Detroit. The phrase caught the fancy of the American people too and has served ever since to designate the period of Monroe's presidency.

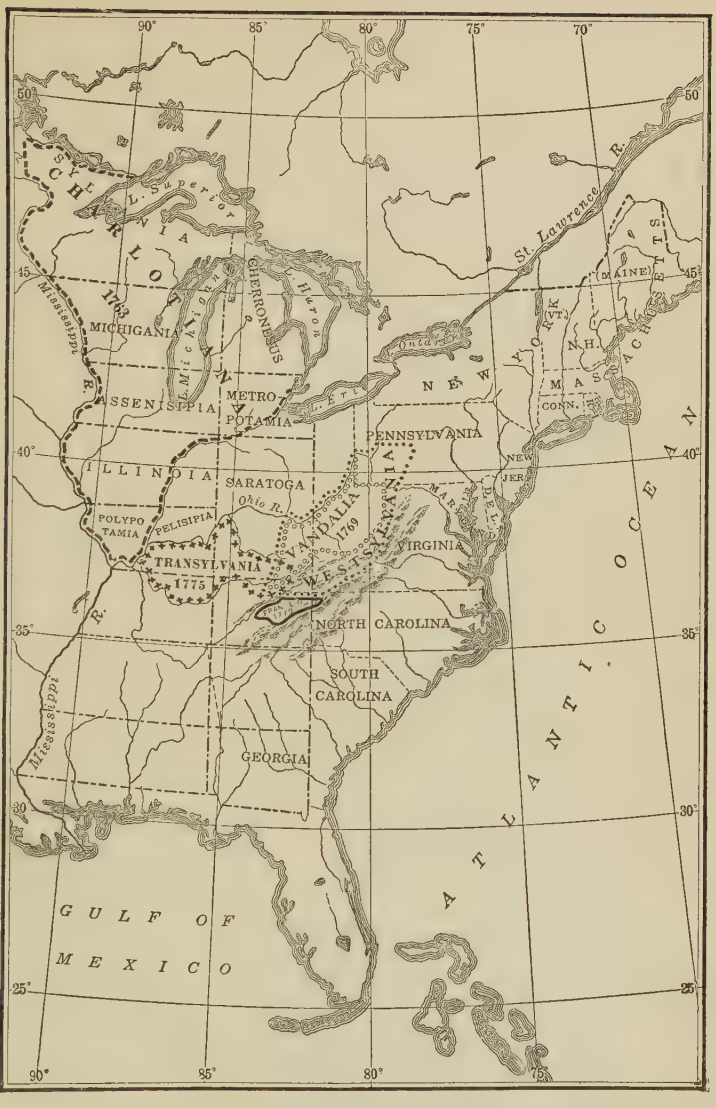
In spite of the festive optimism with which it had been ushered in, however, Monroe's term of office was anything but an era of good feelings. With the burden of foreign war removed,

with our manufactures encouraged and our trade improved,[1] with our Treasury filled[2] and the Indian danger removed so that the pioneers could safely move to the Mississippi and beyond, up the valley of the Missouri, there emerged a number of problems and sectional interests which had been seen only dimly before the war. Since by far the most important of these problems were raised by the development of the country west of the Alleghenies, we must now turn our attention to that region.

No other single factor in American life has had so continuous and decisive an influence as our ever-westward-moving frontier. Already in the colonial days there had developed a marked contrast between the merchants and planters on the Atlantic coast and the pioneer farmers of the "back country," whom the call of cheaper land, the love of adventure, the desire to escape debts and taxes, and the determination to be rid of the aristocratic pretensions of the ruling propertied classes drove westward under the urge of that same "rude impulse" which had sent their fathers across the sea. In the same year that the French relinquished their claims to the west of the Alleghenies, stretching "all down at the back of our colonies," King George III drew the Proclamation Line along the crest of the mountains and forbade the colonists to cross it into the Indian lands (1763). But King George's decree was no more effective than King Canute's. Pioneers from Virginia and the Carolinas followed Boone, Robertson, and Harrod across the Alleghenies and down the westward-flowing rivers into Kentucky and Tennessee. Others left the rocky farms of New England for the rich river bottoms of the Ohio. Before the inauguration of Washington over 100,000 settlers had entered the Western country, and a number of new states had been projected (Vandalia, Transylvania, Westsylvania, Franklin) within the limits of western Pennsylvania and Virginia and the present states of Kentucky and Tennessee.

[1] Our exports for 1815 were $52,500,000, and our imports $103,000,000. The figures for 1816 were $81,000,000 and $147,000,000 respectively.

[2] Dallas estimated the customs receipts for 1816 at $13,000,000. They actually were $39,000,000.



PROJECTS FOR NEW WESTERN STATES IN THE REVOLUTIONARY EPOCH

The conditions of life beyond the mountains tended to enhance the spirit of self-reliance and adventurous enterprise which had caused these pioneers to separate from their brothers on the seaboard. Not only did they have to employ constant vigilance in defending their families against the Indians and in getting a living from the inhospitable forest, but they showed this same vigilance in their political life. They were a new band of immigrants, carrying a new Declaration of Independence into the Western land.[1] They formed "bodies politic," "associations," "societies" for "their own and the public good," petitioning the old states within whose limits they were to recognize them and take them under their protection. They realized that they were the heralds of an American empire, "erecting," as one of their leaders said, "the corner-stone of an edifice, the height and magnificence of whose superstructure is now in the womb of futurity." But they were looked upon by the older communities, which they had left, as groups of malcontents, "lawless mobs," "hordes of bandits," "land pirates." Their departure was sometimes deplored as a secession, weakening the political authority and disturbing the economic stability of the states, and sometimes welcomed as a relief to the "sober and well-disposed" people whom they left behind. President Dwight of Yale College, in the "land of steady habits," thanked Providence for "opening in the vast western wilderness a retreat sufficiently alluring to draw them away from the land of their nativity."

The tide of westward migration fluctuated with the political fortunes of the government. During the period of general war in Europe, and the consequent expansion of the American carrying-trade from 1793 to 1807, there was sufficient demand for men and goods in our seaports to interrupt the migration to the West. But embargo, nonintercourse, and the virtual ruin of our trade in the second war with Great Britain again

[1] It is interesting to compare the language of the convention which met to establish the new state of Franklin in 1785 with that of the Declaration of Independence.

turned men's eyes and feet across the mountains, where fine land was to be bought in quarter sections (160 acres) at two dollars an acre. The victories of Harrison north of the Ohio and of Jackson south of the Tennessee relieved the pressure from hostile Indians on our frontiers. The appearance of the steamboat on the Ohio and the Mississippi guaranteed the rapid development of the commerce of our great "hinterland" through the port of New Orleans. After the Treaty of Ghent a veritable exodus to the Western country began. The newspapers of the times, diaries and letters of travelers, prospectuses of land-booming companies, reports of committees of state legislatures—all testify to the steady stream of emigrants along the Western pikes and trails. They went on horseback or in big covered wagons, or sometimes even walked, pushing before them rude carts piled high with their household goods and driving their cattle. In the year 1817 a company of 120 from Durham, Maine, started out to purchase a township in Indiana, following their pastor as the Massachusetts Puritans had followed Hooker to the Connecticut valley nearly two centuries before. The same year nearly 4000 emigrants from the Carolinas and Georgia met at Burnt Corn Springs, bound for the cotton lands on the Alabama River, with "carts, sleighs, rigs, coaches, and wagons," and fifty droves of cattle and hogs. The ranks of the emigrants were swollen by new immigrants from Europe, especially from Germany and the British Isles, where a period of acute industrial depression had followed the exertions of the long series of wars against Napoleon. An English traveler, himself among the stream of settlers of 1817 seeking a new home in the West, wrote in his "Notes on a Journey from Virginia to Illinois": "The old America seems to be breaking up and moving westward. We are seldom out of sight, as we travel on this grand track towards the Ohio, of family groups behind and before us."

From New England to Georgia there were protests against this depletion of man power. The populous Atlantic states remained stationary while the Western communities grew some

50, some 100, and some 500 per cent in the few years immediately following the war.[1] "That alarming disease denominated the Ohio fever," said the *New Hampshire Supporter* in 1817, "continues to rage in many parts of New England, by which vast numbers are taken off. In Connecticut it has spread to such a surprising extent that Governor Wolcott considers an investigation of the causes which produce it as by far the most important subject which can engage the attention of the legislature." Two years earlier a committee of the North Carolina legislature had complained that only 600,000 people were left in the state, while it was "mortifying to see that thousands of rich and respectable citizens were moving west each year" to add to the 200,000 who had already "removed to the waters of the Ohio and the Tennessee since the inauguration of General Washington." The Virginia legislature complained of "wasted and deserted fields, of dwellings abandoned . . . of churches in ruins, because the fathers of the land are gone where another outlet to the ocean [the Mississippi] turns their thoughts from the place of their nativity and their affections from the haunts of their youth."

It was inevitable that this rapid movement of population to the West should bring with it important consequences for our economic, political, and social life. The first effect was the awakening of our people to the need for adequate means of transportation for the development of the home market which grew up with the expanding surplus of agricultural products. The farmers of the Northwest sent their pork and beef, their butter, beans, corn, flour, cheese, apples, whisky, cider, and vinegar down the Ohio and the Mississippi to New Orleans. In 1818 there passed through that port 136,000 tons of produce, valued at $16,771,711. Cattle and hogs to the number of

[1] The following figures from the census reports are eloquent:

	Massachusetts	New York	Virginia	Indiana	Missouri	Mississippi
1810	472,040	959,049	974,500	24,520	19,783	40,352
1820	523,287	1,373,812	1,065,386	147,178	66,586	75,448

100,000 were driven each year from Ohio, Indiana, and Kentucky to the seaboard, feeding on the way, to furnish meat for export and hides for the New England leather manufacturers. As the cotton-planters moved into the fresh lands of the Southwest and built their plantation wharves along the banks of the Mississippi, they began to absorb the supplies of horses, mules, hay, and food that came down the river. More than half a million acres of public land were sold in Mississippi and Alabama in the year 1817. In 1810 over 90 per cent of our cotton crop was raised in Virginia, the Carolinas, and Georgia; but ten years later more than one third of the crop was grown in Alabama, Mississippi, Louisiana, and Tennessee. How to take advantage of the great market opening up in the West for the manufactures of the East, and at the same time to bind together the sections separated by the mountains, became the question of the hour. The sentiment of nationalism and the thirst for profits combined to stimulate the demand for internal improvements. The schemes of Jefferson and Gallatin for a great sytem of communication by roads and canals between the Eastern and the Western states were taken up anew and pushed vigorously in Congress and the state legislatures.

A few illustrations will show the need for improved transportation facilities. Freight was drawn in heavy wagons by horses, mules, or oxen along poor roads at incredibly slow speed and high cost. From Baltimore to Cincinnati it took a month in transit and often cost $150 a ton. It cost so much to get a bushel of wheat from western Pennsylvania or New York to the seaboard that the farmer had little incentive to raise more than enough to satisfy his own needs and the scanty market in his vicinity. He saw the major part of the value both of the products which he sent eastward and of the implements, clothing, and household articles which he bought in return go into the pockets of the teamsters. The roads in Ohio, Indiana, and Kentucky were so poor that it did not pay to raise grain or tobacco fifty miles from a navigable river. A representative from the back country of Virginia, less than one hundred miles from the coast, declared in Congress that

it cost the farmer in his district on the average one bushel of wheat to transport two to tidewater.

Unless the farm products of Ohio were to seek outlet through the Lakes and the St. Lawrence via Montreal, enriching the British carrying-trade, and the whole wealth of the Mississippi Valley were to go down the river to New Orleans and the Gulf, to be competed for by British, French, and Spanish shipping, there must be inducement enough offered to the farmer to get his product across the mountains to New York, Philadelphia, Baltimore, and Charleston. The clumsy method of sending freight from the Atlantic ports to Louisville, Cincinnati, and Pittsburgh via New Orleans could not be continued with profit to the shipper or the receiver. Peter B. Porter of New York, in a famous speech in Congress in 1811, warned the country of the danger of the separation of the Union into an eastern and a western section unless measures were speedily taken to bind together the farmers on one side of the mountains and the manufacturers and merchants on the other. The clauses of the Constitution would be powerless to do this. Economic needs were stronger than political theories: "It is by producing a mutual dependence of interests between these two great sections, and by this means only, that the United States can ever be kept together." The bitter experiences of the war added force to Porter's warning. Even the fathers of the old Virginia school began to follow, though "with caution and good heed," the lead of the younger generation of Republicans, like Porter, Clay, and Calhoun. President Madison, in his last message to Congress, urged "the expediency of exercising their existing powers, and when necessary of resorting to the prescribed mode of enlarging them [by Constitutional amendments], in order to effectuate a comprehensive system of roads and canals such as will have the effect of drawing more closely together every part of our country by promoting intercourse and improvements and by increasing the share of every part in the common stock of national prosperity."

A few days after Madison's message John C. Calhoun introduced a bill to commit the government to a generous and con-

tinuous application of the public funds to the development of the West. He moved that the $1,500,000 bonus to be paid to the government for the charter of the new United States Bank, together with the annual interest on the government's $7,000,000 of stock in the Bank, be set apart as a fund for internal improvements. Not alone the prosperity of the farmers and the merchants but the strength and unity of the country were concerned in such a policy, he urged. Our vastness exposed us to the worst of all calamities—disunion.

> We are great and rapidly, I was about to say fearfully, growing. This is our pride and our danger, our weakness and our strength. . . . Let us bind the Republic together with roads and canals. Am I told that the Constitution does not give Congress the necessary power? . . . I answer, I am no advocate of refined arguments on the Constitution! That instrument was not intended as a thesis for the logician to exercise his ingenuity on. It ought to be construed into plain good sense. . . . "Congress shall have the power," says the Constitution, "to provide for the common defense and general welfare of the country" . . . and as roads and canals will contribute to the general welfare, Congress may lay taxes and duties to pay for them. . . . If we are restricted in the use of our money to the enumerated powers, on what principle can the purchase of Louisiana be justified?

Calhoun's bill passed the House in February, 1817, by the close vote of 86 to 84, and the Senate by 20 to 15. It reached President Madison the day before his retirement from office (March 3). With the caution characteristic of the Jeffersonian school, Madison vetoed the bill, not because he disapproved of its object, but because of political scruples. He thought an amendment to the Constitution necessary to enable Congress to spend the public money in such wholesale fashion for purposes not enumerated among its powers. His successor, Monroe, was equally interested in the plan of improvements and equally cautious as to the method of putting it into operation. As there was no hope for obtaining the two-thirds vote in Congress to override the presidential veto, the agitation for internal improvements lapsed. When Monroe was succeeded by John

Quincy Adams, who was ready and anxious to put his name to such bills, sectional rivalries and jealousies had put an end to that generous enthusiasm for national expansion at national expense which had marked the years immediately following the Treaty of Ghent. The Calhoun of 1825 would have been the last man in the country to deliver the speech of the Calhoun of 1816.

Constitutional scruples and economic theories, however, were not the only factors that entered into the debates aroused by the demand of the West for recognition of its growing interests. Thirty-four of the 41 votes of the New England States in the House, and all but one of their votes in the Senate, were cast against Calhoun's bill. Virginia, Maryland, and Delaware also registered about three fourths of their votes in the negative. The 84 votes in favor came almost wholly from the states west of the Alleghenies and from New York and Pennsylvania, whose interest in the region of the Great Lakes and the Ohio valley was obvious. In short, it was already a sectional issue, betraying the concern of the seaboard states, and especially of New England, lest the increasing West, by draining off their population, should displace their predominant influence in the nation's politics. Josiah Quincy of Massachusetts had protested on the floor of Congress against the admission of Louisiana in 1811, declaring that such an action would be "virtually a dissolution of the Union" and would justify the secession of the Eastern states. "You have no authority," he continued, "to throw the rights and liberties and property of this people into a hotch-potch with the wild man on the Missouri nor with the mixed, though more respectable, race of Anglo-Hispano-Gallo-Americans who bask on the sands at the mouth of the Mississippi." "What will become of the old United States who first entered into the compact contained in the Constitution," cried his colleague Wheaton, "and for whose benefit alone that instrument was made and executed? Instead of these new states being annexed to us. we shall be annexed to them, lose our independence, and become altogether subject to their control." Other New Englanders affected to despise

rather than fear the voluntary exiles who joined the "thieves and insolvents" in the "land beyond the Sabbath." "The people of the Atlantic states," wrote Flint in his "Recollections of the Last Ten Years" (1826), "have not yet recovered from the horror inspired by the term 'Backwoodsman.' This prejudice is especially strong in New England, and is more or less felt from Maine to Georgia." We shall note the effects of this social cleavage on our political and economic history when the unprecedented growth of our Western communities and the rapid addition of the states of Indiana (1816), Mississippi (1817), Illinois (1818), Alabama (1819), and Missouri (1821) had made it complete. Here it is instructive to remember that the vote on Calhoun's Bonus bill was taken on the eve of Monroe's tour to consolidate the "era of good feelings." The new president's speeches on "the harmony of sentiment so extensively maintained," and his congratulations, at the opening of his first Congress, on "the prosperity and happy condition of a country where local jealousies are rapidly yielding to more generous, enlarged, and enlightened views of national policy," must be read in the light of the debates and the vote on the Bonus bill.

A condition indispensable to the settlement of the West was the removal of the Indians. Our pioneers pressed steadily into the red man's hunting-grounds, making each treaty of cession the vantage ground for new encroachments. The Indians, slow to understand that the cessions excluded them from the lands over which their fathers had roamed, were strengthened in their resistance to American advance by British commercial agents who wished to keep the fur trade in the channels of the Great Lakes and the St. Lawrence. In General Harrison's opinion, it was due largely to British encouragement that Tecumseh had started the Indians of the Northwest on the warpath after the treaty of Fort Wayne (1809) had compelled them to part with some 3,000,000 acres of land in Indiana. At Ghent the British commissioners had demanded the erection of a buffer Indian state to the south of the Great Lakes and insisted that the Indians be admitted as parties to the treaty. But the Americans

were firm in the defense of their thousands of pioneers who had settled in Michigan, Indiana, and Illinois. They would grant neither land nor recognition to the Indians, but only complete amnesty on the cessation of hostilities. The British reluctantly acquiesced. After the Treaty of Ghent was concluded, the Indians of the Northwest held a council at Detroit (1815), where Tecumseh's brother "the Prophet" solemnly buried the hatchet. The succeeding years saw the rapid extinguishment of Indian titles in the Northwest. More than one half the area of Illinois, one third the area of Indiana, and nearly one quarter the area of Ohio were ceded to the United States between 1816 and 1819, with large tracts in southern Michigan. The new states of Indiana and Illinois came into the Union with all their rich lands either already under or soon to pass under the acknowledged authority of the white man.

While the Indians north of the Ohio buried the hatchet and gave the land peace for nearly a score of years, the Treaty of Ghent only gave the occasion for fresh wars south of the Tennessee. It will be remembered that Andrew Jackson's treaty with the Creeks, after his punitive campaign of the summer of 1814, had compelled them to surrender two thirds of their land in Alabama (p. 273). The exiles of the tribe took refuge with the Seminoles ("wanderers") on the Florida strip south of the boundary of the United States. Here a British adventurer, Colonel Nichols, without the authorization of his government, took under his protection the Seminoles with their motley crew of allies, consisting of refugee Creeks and runaway negroes from the plantations of Georgia. He encouraged the Indians in the belief that the Treaty of Ghent restored the lands which they had surrendered in Alabama. He built a fort near the mouth of the Appalachicola and stocked it plentifully with arms and ammunition. Then he sailed for England, leaving negroes in possession of the fort, whence raiding parties issued to destroy the crops, steal the cattle, and massacre the inhabitants of Georgia and the Mississippi Territory. Reprisals naturally followed. The Americans threw a red-hot cannon ball into the fort, igniting several hundred barrels of gun-

powder and blowing the whole "garrison" into eternity. A little later they wiped out the Indian village of Fowlton, whose inhabitants had fired on Major Triggs. The Indians retaliated by ambushing a boatload of Americans on the Appalachicola River and massacring men, women, and children with frightful barbarity. Thus the Seminole War was opened in the late autumn of 1817.

Andrew Jackson was the major general in command of the southern district of the United States. A letter was dispatched to him by Secretary of War Calhoun, on December 26, 1817, ordering him to proceed to the scene of disturbances with the militia of Tennessee and Georgia, to pursue the Indians across the Spanish border if necessary in breaking up their marauding bands, but to respect the strongholds under the command of Spain. These orders crossed a letter from Jackson to Monroe advising the seizure of all East Florida as a guaranty for Spain's reparation of the outrages committed on American soil by Indians under her nominal control, and signifying his willingness, on a hint from the authorities at Washington, to reduce the Floridas to submission within sixty days. Monroe, having already sent the orders of December 26, put aside Jackson's more drastic plan without a reply; but Jackson claimed that before he had reached the Appalachicola River he had received a letter from Congressman Rhea of Tennessee with the authorization of the government to conquer the Floridas. Whatever the truth may be about the correspondence,[1] Jackson was not the man to fight an Indian war in the cautious spirit of a diplomat. He not only pursued the enemy into Spanish territory, but he seized the forts of St. Marks and Pensacola in defiance of their Spanish governors, garrisoned them with American troops, and raised the American flag over every important post in Florida except St. Augustine.[2] He seized two British subjects, Ambrister and Arbuthnot, tried

[1] The reader will find a full discussion of President Monroe and the Rhea letter in James Schouler's "History of the United States," Vol. III, p. 83.

[2] He ordered General Gaines to capture St. Augustine, but the order reached Washington and was countermanded.

them by court-martial, shot one and hanged the other at the yardarm of his own trading-schooner. By the end of May, 1818, Jackson had finished his work and was on his way back to Nashville to be fêted as the hero and idol of the West. He left Florida subdued to the power of the United States, but his precipitate campaign had raised embarrassments for the administration which absorbed the attention of the country for months to come.

As the reports of the events in Florida reached Washington they stirred amazement and indignation, admiration and perplexity. Relief for the security of our southern border was balanced by anxiety for the offense given to the friendly powers of Spain and Great Britain. Don Luis de Onis, the Spanish minister, in high dudgeon, demanded the "prompt restitution of St. Marks, Pensacola, Barrancas, and all other places wrested by General Jackson from the crown of Spain" and the punishment of the general and his officers. The President and the cabinet agreed that Jackson had exceeded his instructions of December 26, and instructions were sent to the commanders at the forts to deliver them over on the arrival of a Spanish force strong enough to curb the Indians. Monroe thought that Jackson's "war against Spain" should be disavowed. Calhoun was in favor of punishing him for insubordination. John Quincy Adams was the only member of the cabinet to uphold the general's actions. He maintained that Jackson had not waged war against Spain, but that he had seized the forts in self-defense in obedience to his orders to pursue the Indians into Spanish territory and terminate their depredations. If Spanish authority had suffered in Florida, it was but a just retribution on Spain for failing to use her power to control the Indian and negro hordes, as she had solemnly promised to do in the treaty of 1795. When the ministry at Madrid renewed the demand of De Onis for the disavowal of Jackson's behavior and the punishment of the "haughty invader," Adams sent an ultimatum instead of an apology to the Spanish court. He reviewed the long course of outrages on American life and property, permitted and even abetted by Spanish authority;

justified Jackson's behavior "by all the laws of prudence and humanity"; and closed with a sharp summons to Spain to cease to speak in the language of injured pride and to make her choice immediately "either to place in Florida a force adequate at once to the protection of her territory and the fulfilment of her engagements, or to cede to the United States a province of which she retains nothing but the nominal possession, but which is in fact a derelict open to the occupancy of every enemy, civilized and savage, of the United States."

King Ferdinand of Spain was powerless to meet the challenge. Restored to the throne of Madrid on the collapse of Napoleon's power, he found the Spanish colonies in America in full revolt and his own kingdom torn between the aristocratic and priestly advocates of his policy of reaction and the adherents of the liberal "revolutionary" constitution of 1812. Moreover, the British commercial interests were exerting pressure on Parliament to prevent that restoration of Spain's colonial empire which would interrupt the lucrative trade opened to them by the revolutions in Central and South America. Since Florida was slipping from his grasp, Ferdinand wisely decided to make such profit as he could out of its loss. On February 22, 1819, his minister at Washington signed a treaty surrendering East and West Florida to the United States on condition that our government would accept responsibility up to $5,000,000 for claims of American citizens against Spain, for depredations committed since the opening of the Napoleonic wars. By the same treaty a line was drawn fixing the boundary between the United States and Spain on the west and south of the Louisiana Purchase. It ran alternately north and west from the mouth of the Sabine River to the point where the forty-second parallel of latitude meets the Pacific coast (see map, p. 319). The ratification of the treaty by the Senate was immediate and unanimous, but the Spanish Cortes withheld its consent for over a year and a half, for fear it would encourage the United States to recognize the rebel governments of Central and South America. It was not until July, 1821, that the province of Florida was turned over to the United

States and erected into a territory. Andrew Jackson, whose conduct in the Seminole War had received full vindication at the hands of Congress, in spite of the opposition of Henry Clay, and whose name was already being associated with the White House in the mouths of the men beyond the mountains, was made the first governor of the territory.

Two points bearing on the Louisiana Purchase deserve notice in the important treaty of 1819. By allowing West Florida to be included in the cession by Spain we virtually abandoned the claims put forward and acted upon by Jefferson, Madison, and Monroe since 1804 that we had purchased that region from Napoleon in 1803. And by accepting the Sabine as the southwestern boundary of the Louisiana Purchase we relinquished, not without regret on the part of members of the cabinet and protests on the part of Western members of Congress, the far better claim which we had to Texas under the terms of the treaty of 1803 (see page 220). The "surrender of Texas," however, in spite of Clay's and Benton's fervid oratory, was not allowed to trouble the national rejoicing over the acquisition of the whole of Florida by clear title from the Iberville to the Atlantic.[1] That acquisition was a great step in the expansion of our republic. It removed the dangers which for years had beset the westward march of our cotton-planters, and opened an uninterrupted communication from the rivers of that region to the Gulf. It made the eastern half of the Gulf of Mexico an American lake. Henceforth the ships which left the mouth of

[1] Clay's objections to the treaty were rightly interpreted as a rather factious opposition to the administration which had honored Adams instead of himself with the office of Secretary of State; and Benton's impassioned plea for the possession of the sparsely populated region beyond the Sabine was still looked on as the dreaming of a visionary. Even Jackson, according to the testimony of John Quincy Adams's "Diary" (February 2, 1819), advised Monroe in a conversation that the American people would be well content to let Texas go in lieu of the acquisition of Florida. Besides, the debates over the admission of Missouri as a slave state were beginning to convulse Congress and the country just at the moment when the Spanish treaty was concluded. Monroe may well have wished to avoid the charge of favoring the interests of the slaveholder by adding to our national domain another vast region which was certain in time to be made into one or more slave states.

the Mississippi would have no fear from pirate crews issuing from their lair at the very delta, and might coast along the shore saluting the Stars and Stripes over the fortresses which had harbored thieves and marauders under the flag of Spain.

The impetus of expansion extended even to the far Northwest; through that "empire of mountains and prairies where the men of the Stone Age watched with alarm the first crawling waves of the tide of civilization that was to sweep them away." American traders and explorers, following in the footsteps of Lewis and Clark, began to contest with the British and Spanish agents the monopoly of the trappers' and hunters' rendezvous. After the unsuccessful attempt of the Missouri Fur Company to maintain a post in Oregon in 1810, John Jacob Astor established the emporium of the Pacific Fur Company at Astoria, at the mouth of the Columbia River. He was obliged to surrender it to the British during the War of 1812, but recovered it a few years later by the restitution clause of the Treaty of Ghent. The British, in spite of Captain Gray's discovery of the Columbia River, and Lewis and Clark's expedition to its mouth, had asserted a claim to all the Pacific coast between Russian Alaska on the north and Spanish California on the south. But now they consented tardily to recognize our interest in Oregon, the name by which the huge region lying west of the Rockies between the northern and southern limits just described was known. By a treaty negotiated at London in 1818,[1] the boundary of Canada and the United States west of the Lake of the Woods was fixed at the forty-ninth parallel of latitude as far west as the "Stony Mountains" (see map, p. 319); while the Oregon region beyond was to be held for a period of ten years by joint occupation, "free and open to the

[1] The same treaty regulated the vexed question of the American fishing-rights off the Canadian coast, which had been granted by the treaty of 1783 but which the British contended had been abrogated by the War of 1812. Adams had labored in vain at Ghent to secure the protection of the New England fishermen, whose exports in 1814 reached the enormous sum of $12,000,000. The new treaty of 1818 restored to the United States the right to catch, dry, and cure fish on certain extensive coasts of Labrador and Newfoundland and to use all the Canadian ports in case of distress or need of food.

vessels, citizens, and subjects of the two powers." This joint occupation continued until 1846, when the dividing line of 49° was extended to Puget Sound.

In addition to the acts of Congress and the treaty negotiations described in this section, several important decisions of the Supreme Court came to reënforce the sentiment of nationalism in these years. Down to the Treaty of Ghent our national judiciary had shown but little sign of the great prestige which it was destined to enjoy in our history. Only three important cases had come before it in the years 1800–1815. Membership in what we now regard as the most august body in our constitutional system was not very ardently sought for or highly prized. John Jay regarded it as a promotion to be transferred from the Supreme Court to the governorship of New York. Edward Rutledge preferred an appointment to the bench of South Carolina. But beginning with the year 1816, a series of decisions written by Chief Justice Marshall and his able young associate Justice Story raised the court to a high eminence as the guardian of the Constitution of the United States.

In the case of Martin *vs.* Hunter's Lessee the paramount authority of the United States over the highest tribunal of a state was maintained. The twenty-fifth section of the Judiciary Act of 1789 provided that appeals might be taken from the state courts to the Supreme Court in cases involving the interpretation of the Constitution. When the Virginia Court of Appeals, in 1816, defying the act, refused to allow the case to go beyond its jurisdiction, the Supreme Court ruled that the act was constitutional and that the laws of the states were subject to the appellate power of the United States tribunal whenever the Constitution, laws, or treaties of the nation were concerned (1 Wheat.[1] 304 ff.). Three years later, in the case of Dartmouth College *vs.* Woodward (4 Wheat. 518 ff.) the court nullified a law of the legislature of New Hampshire alter-

[1] The United States Reports, or cases decided by the Supreme Court, are cited down to 1875 under the name of the reporter of the court (as Wheaton, Cranch, Howard, Wallace, etc.). After that date they are cited by volume and page simply (as 105 U. S. 654).

ing the charter of the college against the will of the trustees. The principle involved here was the inviolability of contracts (Art. I, sect. 10, par. 1), the court holding that the charter of the college was a contract between the state and the trustees. The majority of the court was won to this decision by the impassioned plea of Daniel Webster in behalf of the injured dignity of his Alma Mater. Since the state legislatures were the source of innumerable charters to corporations of every kind, whose general regulation was under the police power of the state, this decision seemed to subject the various industrial, financial, educational, and public-service corporations of the country to the authority of the national judiciary. The sweeping effect of the decision was later modified by the insertion in the charters themselves of clauses giving the states the right to control corporations by legislation for the safeguarding of their moral and material interests.

Most important of all the decisions of the court in those years was that handed down in the case of McCulloch *vs.* Maryland in 1819 (4 Wheat. 316 ff.). The National Bank was unpopular in many quarters. The old Democratic prejudice against the Bank as a privileged corporation and an engine of plutocracy was still strong, especially in the Western states. Furthermore, the Bank had been carelessly managed during the first two years of Monroe's presidency, and its disordered condition was made responsible in the minds of many for the financial panic which overtook the country in 1819, although the panic was really due to a too rapid extension of enterprise and credit in the enthusiastic years which followed the War of 1812. When the branches of the United States Bank began to demand specie for the notes of the state banks which they held, the legislatures of various states (North Carolina, Ohio, Kentucky, Tennessee) started a war against the National Bank by taxing the issues of its branches within their borders. In Ohio an officer of the state actually drove up to the door of the United States branch bank at Chillicothe, entered the vaults, and seized the amount of money necessary to cover the tax. In Maryland the cashier of the United States branch bank at Baltimore,

James W. McCulloch, refused to pay the tax on its notes levied by the legislature and carried his case against the state to the Supreme Court. The court unanimously agreed in the decision written by Chief Justice Marshall, which affirmed the right of Congress to incorporate a bank under the "implied" power of adopting "necessary and proper" means to carry out a legitimate end (Art. I, sect. 8, pars. 1, 2, 5, 12, 13, 18) and to establish in the states branches which should be immune from taxation except for the regular property tax on their buildings and land. "The power to tax," said Marshall, "is the power to destroy." If the states could levy a small tax on the Bank issues, they could also levy a large one and so drive the Bank out of business.

These famous decisions, maintaining the competence of the national court to interpret the extent of the powers of the national government, were alarming to the old-school Republicans, who insisted on the strict limitation of Congress to the powers explicitly granted to it by the Constitution. Jefferson, who, since his retirement from the presidency, had tended to revert to his earlier championship of states' rights and distrust of the "general government," led the attack on these "usurping" doctrines of his political enemy John Marshall. "The great object of my fear," he wrote to Thomas Rich in the year 1820, "is the federal judiciary. That body, gaining ground step by step, and holding what it gains, is ingulphing insidiously the special [state] governments into the jaws of that which feeds them." But the process of centralization, so obvious in the acts of Congress and the conduct of the executive, could not be stopped at the portals of the Supreme Court chamber. It was all a part of the process of expansion and nationalism traced in this section. It was the expression of the spirit of the new nation.

There were numerous other signs in our political and economic life, and even in our literary and religious life, that bore witness to the new spirit: the remodeling of state constitutions along more democratic lines, the reduction in the price of public lands, the completion of the first section of the national

Cumberland Road, the breaking down of the political and social power of the old Calvinistic orthodoxy, the beginnings of a distinctly American school of literature, the rise of a group of nationally minded statesmen and orators like Webster, Benton, Clay, Calhoun, and Everett. On April 13, 1818 (Jefferson's birthday!) our new national flag, with its thirteen alternate stripes of white and red and its twenty white stars in an azure field, was raised over the Capitol.[1] It was a happy symbol of the new America.

The Missouri Compromise and the Monroe Doctrine

The same wave of westward migration which filled the land between the Alleghenies and the Mississippi with a solid block of states in the five years succeeding the Treaty of Ghent did not stop at the banks of the great river. Timothy Flint, a trading preacher from New England, tells in his delightful "Recollections" how he stood on the heights of St. Charles on the lower Missouri in 1818 and watched the immigrants cross the ferry of the Mississippi with their "4 and 6 horse waggons," their cattle "with a hundred bells," their expectant families and excited negroes—headed for the land of boundless promise. The territory of Missouri had been organized when Louisiana was admitted to the Union in 1812. Its population of some 20,000, scattered among a score of river settlements, was a medley of French hunters and trappers, shrewd Yankee peddlers, and solid German farmers dwelling in solid stone houses. When the peace of Ghent removed the Indian danger from the frontier, the territory began to fill up rapidly. Before the close of the decade the population of 20,000 had grown to 66,500, including about 10,000 slaves brought by the farmers of Ken-

[1] By act of April 4, 1818, the flag designed, according to tradition, by Betsy Ross in 1777, and slightly modified in 1794, was altered to fit our growth. The act provided that a new star be added to the blue field on the Fourth of July succeeding the admission of each new state to the Union. At first the cluster of white stars was arranged in the form of a large star, but later the stars were arranged in horizontal lines.

tucky and Tennessee. Over 50 steamboats were running on the Mississippi and doing a business of $2,500,000 a year. The settlements had spread 60 miles and more up the Missouri valley to Boone's Lick, whose name celebrated the pioneer of trans-Allegheny migration. The climate was wholesome as contrasted with the malarial regions to the south. All the cereals grew in abundance, the corn yielding 90 bushels to the acre. The southern part of the territory was suitable for cotton culture. Deposits of lead and salt were worked with profit.

In March, 1818, the enterprising people of the Missouri territory presented to Congress through their delegate, John Scott, a petition praying for admission to the Union as a state. The matter went over to the next session of Congress, where a similar petition was read on December 18, 1818. The following February the House began the debate on the petition, and James Tallmadge of New York precipitated the famous Missouri controversy by offering an amendment "that the further introduction of slavery or involuntary servitude be prohibited, except for the punishment of crimes whereof the party shall have been duly convicted, and that all children born within the said state after the admission thereof into the Union shall be free, but may be held to service until the age of twenty-five years." The House "after an interesting and pretty wide debate," adopted the Tallmadge amendment by a vote of 87 to 76, but the Senate rejected it. The House refused to recede from its position, and the Fifteenth Congress expired, March 3, 1819, with the two Houses in deadlock on the question of slavery in the proposed new state of Missouri, but with little surmise that they had exchanged the first shots in a conflict which was to plunge the country into civil war.

Negro slavery had been introduced into the colony of Jamestown in 1619. The few thousand slaves brought over in the seventeenth century to work in the tobacco and rice fields of Virginia and the Carolinas, or to serve as coachmen and butlers in the families of the rich merchants of the North, seem to have been no cause of offense except to the little group of Quakers or to a sensitive philanthropist here and there. But the eight-

LANDING OF NEGROES AT JAMESTOWN FROM A DUTCH MAN-OF-WAR, 1619

eenth century saw a great change in the attitude of the colonists toward slavery. A clause in the Treaty of Utrecht (the "Asiento") gave to England the monopoly of the slave trade from the shores of Africa to the Spanish colonies of the New World (1713). There was an unlimited market on the Guinea coast for the rum distilled in New England, and there was an unlimited supply of sugar and molasses in the West Indies for the manufacture of more rum. The unoffending African served as the medium of exchange in the profitable transaction. Sold by their captor chiefs for rum, they were packed into the stifling holds of wooden vessels and brought through the equatorial seas to the West Indies, with all the horrors of the "middle passage." Rich merchants, high nobles, and even members of the royal family were interested in this nefarious traffic. The stimulus of greed, added to the natural development of our plantations, forced the rate of slave importation higher and higher. Several times during the eighteenth century the legislatures of the Southern colonies, notably of Virginia, under the double impetus of humanitarian sentiment and concern for the increasing growth of an unassimilable element in their population, passed laws restricting the importation of African negroes, but the crown of England vetoed these laws. "We cannot allow the colonies," said Lord Dartmouth in 1774, "to check or discourage in any degree a traffic so beneficial to the nation." On the eve of the American Revolution there were more than half a million slaves in the colonies;[1] and how seriously the colonies then regarded the traffic is shown by the resolution of the first Continental Congress in October, 1774, to the effect that no more slaves should be imported after December, and that whoever broke this resolution should be "universally condemned as an enemy of American liberty." It is well known, too, that Thomas Jefferson, in the original draft of the Declaration of Independence, included among the grievances against King George a scathing indictment of his

[1] Our first census, of 1790, gives the number of slaves as 697,897, of whom 40,370 were north of Mason and Dixon's line. Of the 657,527 in the South the states of Virginia, Maryland, and the Carolinas held 604,129.

encouragement of "this execrable commerce." Jefferson suppressed the clause, however, out of deference to the feelings of the delegates from South Carolina and Georgia. The economic advantages of slavery in the lower South already outweighed humanitarian considerations, leaving the more noble-minded masters in a state of reluctant acquiescence.[1]

Slavery was warmly debated in the Constitutional Convention of 1787, and although the words "slaves" and "slavery" wore not mentioned in the Constitution, the institution was recognized and treated with considerable indulgence. Three fifths of the slaves were added to the white population to make the federal apportionment for representation, presidential electors, and direct taxes. Congress was forbidden to interfere with the importation of slaves for a period of twenty years after the adoption of the Constitution. The return to their masters of fugitive slaves who had escaped into the free states was guaranteed. In accordance with the last-mentioned clause a Fugitive Slave Act was passed by Congress in 1793. This recognition of slavery by the Constitution furnished the Southerners of a later day with a good argument in favor of slavery as a national institution; but the antislavery advocates, like Chase, Seward, and Lincoln, went back to the resolution of 1774 and to the principles of the Declaration of Independence to prove that our Union was formed by patriots who believed that "all men are created equal" and endowed with liberty as an "unalienable right."

Most important of all the questions concerning slavery was that of its extension to the great dominion beyond the Alleghenies, ceded to us by England in the treaty of 1783. The very next year Thomas Jefferson submitted to Congress an ordinance for the government of this territory, forever forbidding

[1] Patrick Henry of Virginia wrote to a Quaker friend in 1773: "Every thinking honest man rejects it [slavery] in speculation, but how few in practice. . . . Would any one believe that I am master of slaves of my own purchase? I am drawn along by the general inconvenience of living without them. I will not, I cannot, justify it. However culpable my conduct, I will so far pay my devoir to virtue as to own the excellence and rectitude of her precepts, and lament my want of conformity to them."

slavery within its borders. The antislavery clause of Jefferson's ordinance was lost by the vote of a single state. Three years later Congress passed the famous Northwest Ordinance (confirmed by an act of the first Congress under the Constitution), which excluded slavery from all our territory north of the Ohio River. The states formed out of this territory (Ohio in 1803, Indiana in 1816, Illinois in 1818, Michigan in 1837, and Wisconsin in 1848) all came into the Union free; but south of the Ohio the states formed from lands ceded by Virginia, the Carolinas, and Georgia (Kentucky in 1792, Tennessee in 1796, Mississippi in 1817, and Alabama in 1819) were naturally slaveholding. Thus the Ohio River formed the continuation of Mason and Dixon's line as the boundary between slavery and freedom.

For several reasons the application of Missouri for statehood in 1818 marked a critical moment in our history. In the first place, the area of the proposed state lay wholly west of the Mississippi, land never owned nor claimed by any of the original states but purchased from Napoleon by the national government. Part of this area was above and part below the mouth of the Ohio, and it had received immigrants from both the free and the slave states. Its admission would form a precedent for the rest of the immense Louisiana Purchase territory.[1] Furthermore, the free and slave states were exactly balanced (eleven each), which meant equal weight in the Senate. Since the North was increasingly predominant in the House, the Senate had to preserve this parity in order to protect its interests.[2] Again, the economic advantage of slavery to the South appeared immensely greater in 1820 than at the time of the

[1] To be sure, the extreme southern part of the territory had been admitted as the state of Louisiana in 1812, with its existing institution of slavery. But the case of Missouri was different in that it was a territory built up chiefly by emigration from the United States.

[2] The population of the sections of the country north and south of Mason and Dixon's line was nearly equal by the first census, of 1790 (1,968,455 to 1,961,327). But by 1820 the North had 5,132,372, while the South, counting three fifths of the slaves, had only 3,312,244. The representation in the House in 1820 was 104 from the free states and 79 from the slave states.

debates on the Constitution. The results of the invention of the cotton gin by Eli Whitney in 1793, which multiplied over three hundredfold the productive power of the slave in cleaning the seed from the cotton fiber, were fully manifest now. In 1791, when Hamilton made his famous report on manufactures, the South exported cotton for the first time—a meager 20,000 pounds. The crop grew to 20,000,000 pounds a decade later, and by 1820 it reached 160,000,000 pounds.[1] Such figures show that the destiny of the South was fixed in the production of the staple crop of cotton, to the exclusion of manufactures and diversified farming. They show also what a constant demand there was for new lands and new hands for the cotton culture. The lands were found in abundance in the new states of the West, but neither the natural increase among the slaves nor the importation of large numbers of negroes bred in the border states sufficed for the labor of the cotton fields. Some thousands of slaves were smuggled into the Southern ports from Africa each year, in spite of the prohibition of the act of Congress of 1807, and no jury in the South could be found to convict the offending captains and owners of the vessels.

The zeal to reserve the land west of the Mississippi for free states alone, to keep the balance against slavery in Congress and to rebuke the South for the open violation of the law for which all her representatives and senators had voted a dozen years before, gave a vehemence to the words of the Northern orators, like King, Taylor, and Tallmadge, which had not been heard in Congress since the days of Washington and Adams, when Federalist "Anglomen" and "Jacobinical" Republicans flayed one another; while the Southern speakers, like Pinkney, Cobb, and McLean, met defiance with defiance and threat with threat. Jefferson said that the debates startled him like the sound of the fire bells at night. "The Missouri question is the

[1] The importance of the West in the growth of the cotton industry is seen by the following figures. In 1801 only 2 per cent of the crop was grown west of the Alleghenies; in 1821 the states of Alabama, Tennessee, Mississippi, and Louisiana produced 34.7 per cent of the 173,000,000 pounds, and in 1834 these same states produced 60.8 per cent of the 456,000,000 pounds grown.

most portentous one which has ever threatened the Union," he wrote; "in the gloomiest hour of the Revolutionary War I never had any apprehensions equal to those which I feel from this source."

The deadlock over the Tallmadge amendment, just as the Fifteenth Congress came to a close, threw the country into a state of great excitement. Resolutions for and against the restriction of slavery in Missouri were passed by various state legislatures; petitions came to Washington from societies, churches, and clubs; the press was filled with controversial articles. It seemed as though all other national questions—the tariff, internal improvements, the currency, and the panic—had been forgotten. When the new Congress met in December, 1819, the debates were resumed, the language growing more passionate and threatening as the issue became more clearly drawn—the extension or the limitation of slave soil. The North argued that the clause in the Constitution reading "New states may be admitted by Congress into the Union" conferred on Congress the power to determine on what conditions it would admit new states to the Union. Moreover, several states had already been admitted under various restrictions in regard to slaveholding, the taxation of lands, the navigation of rivers, and interference with civil or religious liberty. The South replied that such restrictions, except as they were expressly contained in the Constitution of the United States, were invalid, and that for Congress to impose terms of entrance on a state at will was to reduce such a state to a mere province of the central government. It was as an equal in a union of equal states that Missouri sought admission; she must be as free as South Carolina or Massachusetts to determine her domestic institutions. Otherwise, she came in, as William Pinkney of Maryland said, "shorn of her beams, with the iron collar of servitude about her neck instead of the civic crown of republican freedom upon her brow." Congress might indeed refuse admission to Missouri as long as it wished, but when the state came in, it must be with her sovereign rights unimpaired. This was the crux of the controversy, though other arguments were not lack-

ing. When the South pointed to the third article of the Louisiana Purchase treaty of 1803, by which we promised that the inhabitants of the territory should be incorporated into the United States as soon as possible, and in the meantime be "protected in the free enjoyment of their liberty, property, and the religion which they profess," Rufus King replied that international law did not recognize slaves as "property" nor include them as such in treaty stipulations. When Henry Clay argued that admitting slavery into Missouri would "not add to the slave population a single soul," but would "dilute" the evil by spreading it over a wider area and "alleviate the unhappy lot of those hemmed in within too narrow lines," the Northern speakers rebuked the sophistry which recommended the extermination of the poisonous weed by scattering its seeds broadcast.

There seemed to be little hope of a peaceable settlement of the Missouri question. The South would not give up the constitutional right of a new state to enter the Union on an equal footing with the other states, and the North would not give up its determination to prevent the spread of slavery beyond the Mississippi. One section was accused of concealing beneath its zeal for the doctrine of states' rights the sinister purpose of opening new territory to slavery; the other section was accused of stirring up moral indignation against slavery as a mere political ruse for restoring the Federalists to power and keeping Southern interests in permanent subjection in both Houses of Congress. The patient, imperturbable Monroe was confident that a compromise could be found, but few of our leading statesmen were so optimistic. John Quincy Adams confided his apprehension of civil strife to his "Diary," with the comment that if the battle must come it had better come on this issue. Henry Clay feared that in five years the Union would be split, and declared that the words "civil war" and "disunion" were uttered "almost without emotion." Cobb of Georgia warned Tallmadge that he had "kindled a fire . . . which only seas of blood could extinguish." However, a way of compromise was found.

The province of Maine, which had been a part of Massachusetts since its purchase from the heirs of Gorges in 1677, had long been eager to be formed into a separate state. It finally won the contest of the legislature of Massachusetts, and at the opening of Congress in December, 1819, applied, with a free-state constitution already formed, for admission to the Union. The House promptly passed the bill admitting Maine. The Senate committee, however, added to the Maine bill a provision for the admission of Missouri without any restriction in regard to slavery. After an exciting debate of a month in the Senate, Thomas of Illinois proposed as an amendment to the part of the bill touching Missouri that slavery be forever excluded from all the Louisiana Purchase territory north of latitude 36° 30′ (the southern boundary of Missouri), except in the proposed state of Missouri itself. Fourteen of the twenty-two senators from the slave states voted for the Thomas amendment. The House at first rejected the Thomas amendment, repassing the bill for the admission of Missouri with the Tallmadge amendment by a vote of 91 to 82; but after a conference with the Senate enough Northern votes were won to carry the Thomas clause. The final vote in the House on the Compromise was 90 to 87. The fourteen Congressmen from the free states who joined the unanimous delegation of Southerners in voting for the Missouri Compromise were actuated by honorable motives,[1] but the caustic John Randolph contemptuously dubbed them "dough-faces"—a name thereafter applied to Northern men who supported the proslavery measures of the South. On March 3, 1820, President Monroe signed the bill admitting Maine as a free state, and three days later the

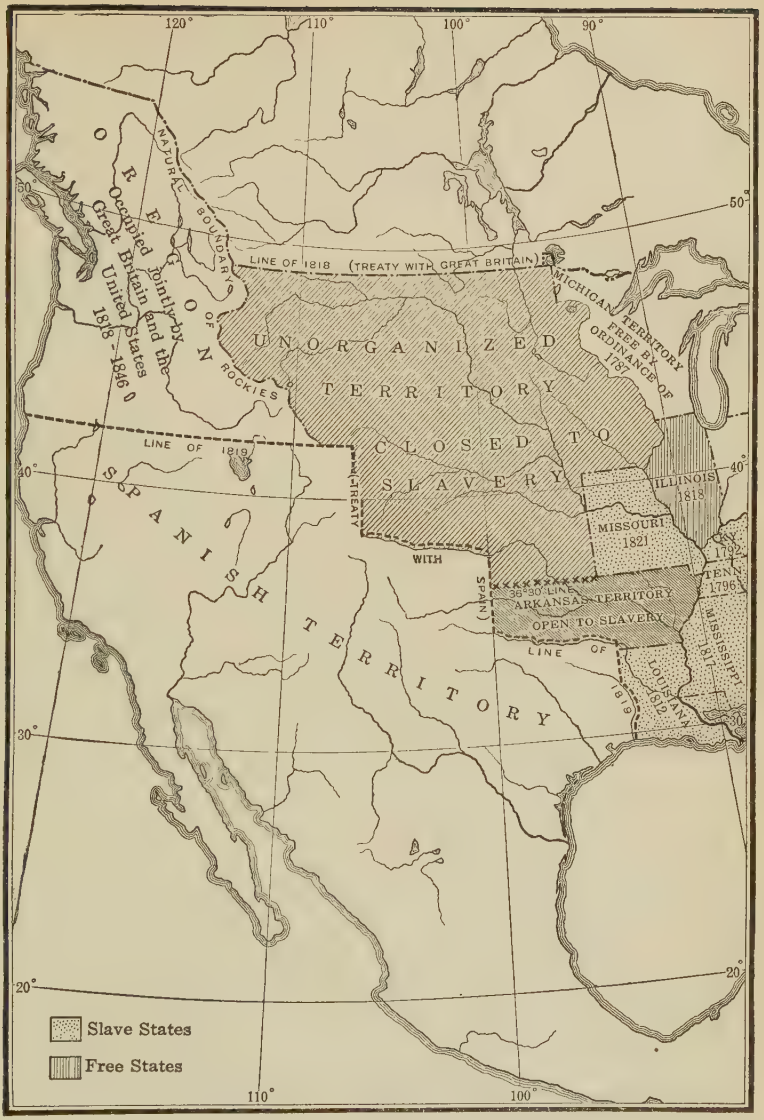
[1] They believed that compromise was necessary to save the Union, and that the South had shown great generosity in accepting the Thomas amendment, which closed nine tenths of the Louisiana Purchase territory to slavery. Furthermore, the consent of Massachusetts to the separation of Maine was conditioned on the admission of Maine to the Union before March 4, 1820. Perhaps some of the Northern Republicans were induced to vote for the Compromise, by the fear that the Federalists, led by Rufus King, would get back into power on the issue of slavery restriction.

bill authorizing Missouri to frame a constitution without any restriction of slavery.[1]

The full importance of the Missouri Compromise appears only in the light of the history of the generation following. For the moment it seemed to have settled the controversy over slavery and thwarted the formation of new political parties on that issue.[2] Regarded as a cowardly surrender of principles by zealots on both sides of Mason and Dixon's line, like Tallmadge and Randolph, the Compromise stimulated abolitionist sentiment in the North and fortified the doctrine of states' rights in the South. It revived the agitation over the ethics of slaveholding, which had been rather in abeyance since the debates of the Constitutional Convention and thoroughly quieted with the passage of the law forbidding the slave trade. It revealed with startling clearness to the North, where slavery was rapidly nearing extinction, how firmly the economic consequences of the invention of the cotton gin (enormously accelerated production, clamor for new lands, trebling of the price of sound negroes) had fixed the institution on the South. It connected the question of the restriction or extension of slavery with westward expansion. By sanctioning the line 36° 30′ between slavery and freedom in our Western territory, it empha-

[1] The actual admission of Missouri was delayed for more than a year because the House objected to clauses in the proposed constitution which discriminated against free negroes. Henry Clay engineered the final compromise, by which Missouri was admitted (August 10, 1821) on agreeing that no clause of her constitution should ever "be construed to authorize the passage of any laws . . . by which any citizen of either of the states of the Union shall be excluded from the enjoyment of any of the privileges and immunities to which said citizen is entitled under the Constitution of the United States."

[2] John Quincy Adams writes in his "Diary" (Vol. VI, p. 529): "The discussion of the Missouri question . . . revealed the basis for a new organization of parties. Here was a new party ready formed . . . threatening in its immediate effect that southern domination which had swayed the Union for the last 20 years." All through the long period of electioneering for the presidential campaign of 1824 there were fears among the followers of Clay north of the Ohio that the Missouri question would be revived and that under the slogan "No slavery" the Northwest would be stampeded to Adams.



THE TRANS-MISSISSIPPI COUNTRY AND THE MISSOURI COMPROMISE

sized the sectional rivalry and helped to detach the new states of the Northwest (Indiana and Illinois) from their sympathy with the agrarian communities of the South and join them to the manufacturing and commercial communities of the East. The free-soil motive became for the first time an integrating principle from Boston Harbor to the banks of the upper Mississippi.

Contemporary statesmen maintained that the Missouri Compromise saved the Union, but it is not difficult for us to see the germs of disunion in the measure. It deliberately divided the national house against itself. The control of the territories by Congress was not the point at issue. All the members of Monroe's cabinet, including Calhoun, agreed to that doctrine. Every Southerner in the House voted for it in the Missouri bill. The controverted question was whether Congress could put restrictions on a new state about to enter the Union. The Tallmadge amendment embodied that doctrine. It failed to pass the Senate, by a vote of 16 to 22, four Northern men voting against it. Had these men from Illinois, Massachusetts, and Pennsylvania supported the amendment, it would have passed the Senate and in all probability have been signed by the President. Congress then, with its increasing free-soil representation, could have made the prohibition of slavery the condition for the admission of future states until there were enough free states in the Union to secure the passage of an amendment to the Constitution abolishing slavery. This program, to be sure, might have met with opposition and been thwarted in ways which we cannot see, but its initial failure in the case of Missouri wrecked whatever chance there was for the peaceable abolition of slavery. This is the immense significance of the Missouri Compromise. "It contributed towards making the war of 1861 an historic necessity."

It seems at first sight strange that the very year which witnessed the final stormy debates on the Missouri Compromise should have marked also the culmination of the "era of good feelings," in the virtually unanimous reëlection of James Monroe

to the presidency.[1] The logical outcome of the Missouri struggle would have been the formation of a proslavery states'-rights party in the South to oppose the free-soil trend of the North. Yet such a party was some years in forming. Attachment to the Union was strong on both sides of Mason and Dixon's line. The generous enthusiasm with which statesmen of both sections had given themselves to plans for national aggrandizement after the War of 1812 was still working powerfully. The Virginian president continued to recommend protection for manufactures in his messages of 1821, 1822, and 1823, and he was supported not only by Henry Clay of Kentucky but also by Senator Hayne of South Carolina. Although the comprehensive bill for the upkeep of the national Cumberland Road was vetoed by Monroe in the spring of 1822, the opposition proceeded rather from scruples as to the powers of Congress under the Constitution to foster "internal improvements" than from any realization that the interests of the South were opposed to the encouragement of a surplus in the Treasury to be expended on the development of a free Northwest.[2] Finally, the years immediately following the Missouri controversy were occupied with the discussion of important foreign questions, whose effect is always to sink domestic discord in the larger issue of national safety and prestige.

The turbulent events of the French Revolution and the rise and fall of Napoleon's dominion in Europe, which had exercised

[1] No candidate ran against Monroe, who received all but one of the electoral votes. That one was cast for John Quincy Adams by an elector from New Hampshire who, besides being dissatisfied with Monroe's administration, was opposed to the continuance of the "Virginia dynasty" of presidents.

[2] Monroe in his long veto message argued the constitutional point with great earnestness, consistently maintaining the position that an amendment to the Constitution would remove his scruples. That the Westerners believed their interests thwarted by a mistaken political philosophy and not by any sectional opposition from the South is shown by the comments of the Western press. "There is a party of politicians at Washington," said an Ohio paper in July, 1823, "whose consciences are so tender or whose minds are so contracted that no general system of internal improvements can be anticipated from the councils of the nation until there is a radical change in the Executive Department."

so powerful an influence over the domestic and foreign policies of the new American republic for a quarter of a century, had their aftermath in diplomatic negotiations which culminated in the Monroe Doctrine of 1823. And from the close of Monroe's second term to the end of the nineteenth century no major American policies were dictated by the action of the European powers. Conservative reaction to repair the havoc which Napoleon had made among the thrones of Europe was inevitable after the overthrow of the Corsican adventurer. On its sentimental side it took the form of the Holy Alliance, a league in which the rulers of Austria and Prussia joined the romantic Czar of Russia in an agreement to rule their people as pious despots, "in accord with the principles of the holy Christian religion." On its more practical side it took the form of a quadruple alliance between the above-mentioned powers and England (France being admitted a little later, when she had given due signs of repentance for her infatuation with Napoleon), to watch over Europe and prevent the tares of democracy, which had been sowed by the French Revolution, from springing up and choking the pure wheat of authority. The program of the Quadruple Alliance was to be carried out in a series of European congresses meeting at frequent intervals to uphold the principle of "legitimacy," which Henry Clay called "a soft word for despotism." So long as the Alliance confined its operation to Europe, chastising revolution in Piedmont or Naples, it was no concern of the United States; but when the Congress of Verona (1822), in addition to the plan of crossing the Pyrenees to quell revolt in Spain, mooted the design of crossing the Atlantic to restore to King Ferdinand Spain's colonies which had set up as independent republics in the New World, the aspect of affairs was changed. Great Britain refused to be a party to the schemes of the Congress of Verona. She had developed a thriving trade with the South American republics, which the restoration of the authority of Spain would have ruined. Besides, there were rumors that Mexico was to be allotted to France and California to Russia in payment for their shares in the overseas enterprise.

Meanwhile there had been growing in the United States a sentiment in favor of recognizing the independence of the new Spanish-American republics and even of forming a close alliance with them. The champion of this Pan-American policy was Henry Clay, who in impassioned speeches in the House urged the sympathy of our nation for "eighteen millions of people struggling to burst their chains." "We look too much abroad," he said; "let us no longer watch the nod of any European politician, let us become real and true Americans and place ourselves at the head of the American system." So long as our negotiations with Spain over the Florida treaty were pending (see page 303) we cautiously refrained from recognizing the new republics, although we showed our sympathy for them by opening our ports to them and maintaining "agents" in Caracas, Buenos Aires, and other centers of the revolt. The Florida treaty was finally ratified by the Spanish Cortes in 1821, and in the spring of the next year Monroe signified to Congress his readiness to recognize the republics, asking for the appropriations necessary to maintain diplomatic establishments in them. The House responded with but a single dissenting vote. One June 17, 1822, a minister from Colombia was formally received at Washington, and within the next few months United States ministers were sent to the most important of the Spanish-American republics. Colombia and Chile, in a treaty of July, 1822, suggested "the construction of a continental system for America" as a makeweight to the Quadruple Alliance in Europe.[1]

Another important event occurred about the same time to warn the American government of the danger of the encroachment of European powers on the Western Hemisphere. The Czar of Russia issued an ukase (decree) in the early autumn of 1821, claiming the north Pacific coast as far south as the

[1] Perhaps they were taking a leaf from the book of Henry Clay, who had made a speech in the summer of 1821 exposing the sinister designs of the Holy Alliance and advocating the formation of a counterbalancing alliance in the two Americas, with liberty and democracy for its watchwords in the place of legitimacy and autocracy. Still earlier (1820) Clay had announced the grandiose plan of establishing "a human-freedom league in America, including all the nations from Hudson's Bay to Cape Horn."

fiftieth parallel and warning the vessels of all other nations not to approach within one hundred miles of that coast. Secretary Adams met the decree with a powerful protest. He told the Russian minister, Baron Tuyl, that we "should contest the right of Russia to any territorial establishment on this continent, and should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments." When, therefore, the British foreign minister, George Canning, suggested to Richard Rush, our minister at the court of St. James, the desirability of united action on the part of the two countries in preventing the Alliance from extending its activities to the American continents, he spoke to receptive ears.[1] Rush referred the matter to Washington, and Monroe, as was his custom, conferred with the ex-presidents Jefferson and Madison. Both of them were in favor of accepting Canning's proposal. Jefferson's reply, dated October 24, 1823, is especially noteworthy as containing the gist of the doctrine announced six weeks later by the President: "The question presented by the letters you have sent me is the most momentous which has been presented to my contemplation since that of independence. That made us a nation, this sets our compass and points the course which we are to steer through the ocean of time opening upon us. . . . Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe. Our second never to suffer Europe to meddle in cis-Atlantic affairs. America, north and south, has a set of interests distinct from those of Europe and peculiarly her own. She should therefore have a system of her own apart from those of Europe."

[1] As a matter of fact, the first suggestion of common action between the United States and Great Britain for the protection of the Latin-American republics had come from this side of the water. John Quincy Adams records in his "Diary," under the date of July 25, 1818, "Two days ago Monroe had very abruptly asked me to see Mr. Bagot [the British minister at Washington] and propose through him to the British government an immediate coöperation between the United States and Great Britain to promote the independence of South America." But on the English side Lord Castlereagh was not willing, and on our side the Florida negotiations stood in the way.

John Quincy Adams was no less eager than Jefferson or Madison to thwart the designs of the Alliance in the Western Hemisphere, but he believed that we should "make it an American cause alone," especially as we were the only nation that had recognized the independence of the South American republics. "It would be more candid as well as more dignified," he said in cabinet meeting, "to avow our principles explicitly to Russia and France than to come in as a cock-boat in the wake of a British man-of-war." The view of the Secretary of State prevailed with Monroe over the advice of his two older councilors, and the annual message which the President sent to Congress on December 2, 1823, contained that announcement of our policy in regard to the relations of European powers to the Western Hemisphere which has ever since been known as the Monroe Doctrine.

There are three main principles set down in the Monroe Doctrine—two specific and one general. The first, aimed especially at Russia's threat of encroachment on the Pacific coast, declared that "the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonisation by any European powers." The second was a warning to the Quadruple Alliance not to interfere to reduce the new Spanish-American republics to their old allegiance, nor to attempt to establish on this continent the autocratic principles of divine-right monarchy: "We owe it therefore to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great considerations and on just principles, acknowledged, we could not view any interposition for the sake of oppressing them, or controlling in any other manner their destiny by any European power, in any other light than as the

manifestation of an unfriendly disposition towards the United States." The third principle was the general proposition of the "two spheres" of influence—the United States disclaiming any desire to interfere with the internal affairs of Europe, and at the same time denying the right of Europe to interfere with affairs in America: "In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for our defence. . . . Our policy in regard to Europe is not to interfere with internal concerns of any of its powers, to consider the government *de facto* as the legitimate government for us, to cultivate friendly relations with it, . . . meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to these continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness."

This general principle, on which the specific warnings of the Monroe Doctrine were based, did not originate with Monroe or Adams or Canning. It is as old as our national government itself. It appears in Washington's Neutrality Proclamation of 1793 and in his Farewell Address of 1796. It was constantly reiterated by his successors, especially by Jefferson. Canning told Rush in a conversation in 1823 that he had been reading Jefferson's letters as Secretary of State (1793) and that he found them "admirable," forming a "complete neutral code." As for the specific announcement of December, 1823, it has been claimed that Adams's name, or even Canning's, would be more appropriately linked with it than Monroe's. Canning virtually claimed the credit for safeguarding the independence of the new republics when he made his famous boast in Parliament in 1826, "I called the New World into existence to redress the balance of the Old." But as we have seen, Monroe had sought to approach the British minister in Washington on the subject as early as 1818. Furthermore, Canning was not

at all pleased with the form which the Monroe Doctrine actually took, and spoke sneeringly of "the President's influential message." He was a vain man, a Tory with little sympathy for republican institutions, and he maintained throughout his tenure of power the tone of urbane hostility to the United States which he had shown in the days of his negotiations with Jefferson's government on impressments and our maritime rights. He refused to acknowledge the independence of the Spanish-American republics and was interested only in getting us to support England in the preservation of the open door for their commerce. When he was assured by the French minister at London that there was really no danger of intervention to restore the rule of Spain on this side of the Atlantic, his ardor for a proclamation for the protection of the republics cooled. Adams, of course, contributed very largely to the promulgation of the Monroe Doctrine and probably furnished much of the actual text of the document. But Adams never suggested that the credit for the message belonged to him, and in his own presidency he referred to it as "the doctrine announced by my predecessor to the world."

The Monroe Doctrine was resented and ridiculed in the press of Europe; but it was received "with one general glow of enthusiasm in the United States," as Daniel Webster said, and it has ever since been the most popular slogan in American history.[1] In 1895, when we were in the midst of a controversy with Great Britain over the boundary line between Venezuela and British Guiana, Secretary Olney asserted that the Monroe Doctrine was "the accepted public law of this country." But to call it "public law" was rather bold. It was nothing more than an announcement of policy in a presidential message. The European nations never accepted its validity as a tenet of international law, although they generally respected it in practice. Henry Clay introduced a joint resolution into Congress in 1824 sanctioning the doctrine, but the legislative de-

[1] The immediate result was a treaty with Russia, concluded in 1824, by which that power agreed to limit her claims to the southward on the Pacific coast by the parallel 54° 40′ north latitude.

partment of our government was content to let the matter rest as an executive pronouncement. Nor have our courts based their decisions upon the doctrine as "public law."

Captain Mahan declared that the Monroe Doctrine possesses "the inherent principle of life, which adapts itself with the flexibility of a growing plant to the successive conditions it encounters." It is true that the doctrine has been invoked again and again as our warrant to dictate as to the ownership of "the existing European colonies" in the Western Hemisphere, to assert our authority in the settlement of controversies over boundaries or debts between European powers and the Spanish-American republics, and even to interfere in the internal affairs of those republics themselves. The stretching of the Monroe Doctrine by "interpretation" was begun as early as the summer of 1825, when Clay warned France that we should not allow Cuba or Porto Rico to be transferred from Spain to any other European power. But there is nothing in the language of the doctrine to warrant these later widenings of its scope. There is no word of an hegemony of the United States over the countries to the south or of our right to arbitrate their disputes. There is no hint of a financial protectorate, such as we have exercised in Santo Domingo, Haiti, and Nicaragua. All these powers have been derived from the doctrine by "implication." The purpose of the doctrine as it existed in Monroe's mind was fulfilled when the danger of Russian aggression on the Pacific coast and of European intervention in South America was over. It was purely defensive and precautionary. It has been made aggressive and comprehensive. That part of the doctrine which announced our guardianship of the independence and inviolability of the Latin-American republics has tended more and more toward a pan-American union. That part which declared our policy of abstention from the "wars agitating Europe" was broken in spirit when we embarked on colonial adventures in the Far East and joined the powers in the preservation of the integrity of the Chinese Empire, and in letter when we sent American troops to the battlefields in Flanders and France in the great World War.

Sectional Rivalry

As Monroe's highly successful administration drew to a close the country was at the flood tide of prosperity. The forty years which had elapsed since the close of the American Revolution had seen our population grow from less than 4,000,000 to over 10,000,000, and our area more than doubled by the acquisitions from France and Spain. An agreement had been made with Great Britain in 1818 for the joint occupation of the Oregon territory beyond the Rockies. The new national defenses and naval enlargement projected after the War of 1812 had progressed satisfactorily. Our debt, which stood at $123,000,000 at Monroe's inauguration, was reduced to $79,000,000 when he left office. The financial panic of 1819 was weathered, and the National Bank, surviving its brief period of mismanagement, was entering on a career of prosperity under its able president, Langdon Cheves. The American ship *Savannah* crossed the ocean under sail and steam in 1819, though nearly twenty years passed before steam "packets" were plying regularly between New York and Liverpool. On our inland waters and along the coast from Boston to New Orleans steam navigation was increasing rapidly. The great Erie Canal, destined to open an ice-free waterway from the Lakes to the Atlantic and to make New York the metropolis of the Western World, was begun the year Monroe entered office, being completed with fitting ceremonies the year he retired.

The sectional bitterness caused by the War of 1812 seemed to have died away. Massachusetts returned to the Republican fold with the election of Governor Eustis in 1823, while the legislature of the state struck from its records the unpatriotic resolutions of a decade before to the effect that it was "unbecoming a moral and religious people" to rejoice over the naval victories of Hull, Bainbridge, and Decatur. Although the tone of the debates on the Missouri question had been ominous, all danger of civil strife seemed to be removed by the Compromise. The balance between the free and the slave states was preserved and the status of slavery "forever" fixed in the

new Western territory by the 36° 30′ line. Finally, in the Monroe Doctrine we had assumed the role of arbiter of important matters in the western continent and had spoken to Europe in a tone of firm consciousness of our place among the "powers" of the world. Few presidents in our history have been able to look back upon their administration with more unalloyed satisfaction than the patient, sagacious, conciliatory James Monroe —an administration which the old Federalist John Adams pronounced "without a fault," and the Federalist Judge Marshall declared "was not darkened by a single cloud."

Nevertheless, the historical student, from the vantage ground of a wider perspective, sees already germinating in Monroe's second administration the seeds of a bitter sectional rivalry which was to make the administration of his successor a constant trial and to result in a new alignment of parties which was to last through a generation to the great crisis of the Civil War. Every feature of that revival of national spirit which we have studied in the present chapter—the restoration of the National Bank, the high tariff, the increase of our defenses on sea and land, the expenditure of national funds for internal improvements, the unlimited offer of public lands at cheap prices, the growing prestige and authority of the Supreme Court, and even the bold and popular policy announced in the Monroe Doctrine—became a subject of violent controversy, in which the divergent interests of the various sections of our country clashed.

The first test of the strength of the rival sections came in the presidential election of 1824, although the sectional character of the rivalry was not yet explicit or avowed. The "dynasty of Virginia secretaries" came to an end with Monroe. But long before the expiration of his term of office different parts of the country were recommending their "favorite sons" for the succession. The legislature of South Carolina designated William Lowndes as early as 1821. The next year Tennessee put forward Andrew Jackson and Kentucky named Henry Clay. In January, 1823, a mixed convention of Republican members of

the legislature and delegates of the towns of Massachusetts nominated John Quincy Adams. The time-honored method of selecting a candidate by a congressional caucus was falling into disrepute because of its undemocratic nature. Still, a caucus met in February, 1824, and named the Secretary of the Treasury, William H. Crawford, who had been manipulating the political wires and using his official patronage for some years to accomplish this desired result. But the fact that only 68 of the 261 members of Congress attended the caucus was a sufficient indication of the measure of strength which this method of nomination would give to Crawford's candidacy.

All of these aspirants for the presidency belonged to the Republican party—for there was no other party to belong to. Each of them, wishing to appear as a truly national figure with a program to win votes in all parts of the Union, minimized or disguised in ambiguous language the interests of the particular section which he represented. Besides, those interests, as we have already seen, were not sharply enough defined in 1824 to unite compact political parties in their support. The tariff bill passed in the spring of that presidential year is an illustration. It was championed by Clay, praised by Adams, and accepted by Jackson—only Crawford refusing to commit himself. The consistent policy of the support of high tariffs by the North and their antagonism by the South, which appears in all subsequent tariff legislation, was not developed in 1824. Such fight as there was over the bill was on the question of the distribution of the benefits of protection. Kentucky, Missouri, and Pennsylvania supported the measure for its duties on hemp, lead, and iron; the industrial interests of the North, for its protection to the cotton and woolen manufactures; while the mercantile interests of New England and New York made common cause with the South in opposing a bill which increased the cost of materials for building ships, cultivating plantations, and clothing slaves. The narrow margin by which the bill was finally passed after a debate of two and a half months (105 to 102 in the House, 25 to 22 in the Senate) gave little encour-

agement to Clay's optimistic theory that harmony could be preserved by a judicious distribution of sectional favor.[1]

In the absence of any clearly defined political issues, the campaign of 1824 took on an intensely personal aspect, the more so as all the aspirants for the presidency were together in Washington during the previous winter—Adams, Calhoun, and Crawford in Monroe's cabinet, Jackson in the Senate, and Clay in the House. Adams's voluminous "Diary" reveals the extraordinary amount of electioneering that went on. The vote in November resulted in the choice of 99 electors for Jackson, 84 for Adams, 41 for Crawford, and 37 for Clay. Calhoun, seeing the drift of his own state of South Carolina toward Jackson, had wisely accepted the advice of a Pennsylvania convention to run for the vice presidency. He received 182 of the 261 votes cast. As no candidate for the presidency had received a majority, the names of the three highest on the list went to the House for a decision, the group of Representatives from each state casting a single vote. Henry Clay, though out of the race himself, obviously had it in his power to turn the scales in favor of either Adams or Jackson. His influence as Speaker of the House was great, and the Republicans of those states which had given him their electoral votes (Kentucky, Ohio, and Missouri) would naturally support the candidate whom he favored. The genial Speaker, therefore, was courted by each of the factions and assured by each of the great respect in which his talents were held by their respective candidates. Clay had not been friendly to Adams during the Monroe administration. He had himself coveted the high appointment which Adams received. The two men were, moreover, uncongenial in their tastes and habits. Yet they were brought together and had a long interview (the details of which Adams discreetly omits from his "Diary") a few weeks before the balloting began

[1] "It has appeared to me in the administration of the general government to be a just principle to inquire what interests belong to each section of our country, and to promote those interests as far as practical, consistently with the Constitution, having always an eye to the welfare of the whole" (to Francis Brooke, August 28, 1823).

in the House. Immediately after the interview Clay announced that he should support Adams. On the first ballot cast by the House Adams was elected by the votes of thirteen states. Jackson carried seven and Crawford four. Two days later Adams offered Clay the first place in his cabinet.

This series of events gave rise to the charge of a "corrupt bargain" between Adams and Clay to defeat the will of the people of the United States to seat Andrew Jackson in the presidential chair. A Republican from Pennsylvania, named Kremer, published a card in a Philadelphia paper, alleging that Adams had offered Clay the post of Secretary of State in return for his votes in the House, and that Clay would have been willing to secure Jackson's election if the latter's agents had been ready to meet the bid. "None of Jackson's friends would descend to such mean barter and sale," declared Kremer. Clay indignantly repelled the charge in a public communication and demanded an investigation by the House, which Kremer sneaked out of. Nevertheless, when Clay received and accepted the appointment, Jackson believed that the charge was true, and pilloried Clay as "the Judas of the West," who had made his unholy bargain for thirty pieces of silver. The Jackson forces everywhere took up the cry. Impetuous John Randolph poured out his scorn for this alliance of "the Puritan and the Black-leg," and answered for his epithets by a duel with Clay, in which neither was hurt.

Adams has been called "injudicious" by some historians for appointing Clay in defiance of the widespread suspicion of a "deal" between them. But both men are above any suspicion of dishonorable action. Clay had every good reason to give his support to Adams. On the questions of national policy which Clay had most at heart, like the protective tariff and internal improvements, Adams was far more sympathetic than either of the other two candidates. Crawford, besides his personal unfitness for the office, due to a stroke of paralysis suffered in the autumn of 1823, was already committed to the thoroughgoing states'-rights view of the older men of the South. And Jackson was not only Clay's bitter rival for the

leadership of the West but was in Clay's opinion utterly unfit for the presidency, being a mere "military chieftain" whose claim to political honors rested on the victory of New Orleans and the chastisement of Indians and half-breeds in Florida. If Clay also believed that his own political fortunes would be best served by alliance with a candidate who had carried New England and New York, he was entertaining a notion which it would be mere hypocrisy to condemn in our American politics. As for the upright Adams, there is no evidence that he consulted any other consideration than the public good in appointing Clay, nor has it ever been a cause of reproach to our presidents, down to Woodrow Wilson, that they have given the first place in their cabinets to disappointed rivals or to men who have made their own election sure.

John Quincy Adams, by his natural gifts, his training, his wide experience in public affairs,[1] by the justness of his views and the spotless integrity of his character, was one of the best-qualified men ever elected to the presidency. But he was chosen at an evil moment for his own peace of soul. His entire administration was vexed with factional quarrels and sectional jealousies, while he himself tried to pursue a course of broad and impartial nationalism.[2] He alone refused to recognize the rivalry of interests between North and South, East and West, that were rapidly developing throughout his term, and he paid for his persistent nationalism by a splendid isolation. From the very outset he had to meet dogged opposition. Fifteen of the forty-one senators voted against the confirmation of Clay. Although the electors of all the states (except Connecticut)

[1] At the age of eleven he had accompanied his father on a diplomatic mission to France (1778), and had subsequently served as secretary, minister, or special envoy at the courts of Russia, Prussia, the Netherlands, Sweden, France, and England. He had been a United States senator from Massachusetts for ten years when Monroe appointed him Secretary of State in 1817—an office which he filled with conspicuous success during both of Monroe's terms.

[2] He even wished to keep Monroe's cabinet intact, only filling the vacancies caused by his own and Calhoun's elevation. He asked Crawford to continue in the Treasury and wanted Jackson to serve as Secretary of War. But neither of these rivals would enter the cabinet, and Adams filled the vacant places with Richard Rush of Pennsylvania and James Barbour of Virginia.

that had voted for Adams had also voted for Calhoun as vice president, the latter declared his opposition to the administration as soon as Clay was appointed to the cabinet. He used his position as President of the Senate to appoint committees hostile to Adams and allowed John Randolph to abuse the President to his heart's content on the floor of the Senate. Van Buren, a senator from New York and a boss of the famous "Albany Regency," who had resorted to trickery in the attempt to get the legislature of his state to cast its electoral vote for Crawford, made opposition to every measure of the Adams administration a matter of principle, quite irrespective of the merits of the questions. On one occasion, when the President's supporters won a victory in the Senate, he remarked, "They have beaten us by a few votes, . . . but if they had only taken the other side we should have had them." And all the time Andrew Jackson's tireless lieutenants were harping on the theme of the "corrupt bargain" and rousing the "plain people" to redress the wrong by which an intriguing and aristocratic House of Representatives had been able to thwart their will.[1]

The Republican party divided then into the Adams-Clay wing and the Jackson-Calhoun-Crawford wing. The former came to be known as National Republicans, because of their adhesion to the nationalistic program of the decade following the War of 1812. The latter returned to the old states'-rights doctrine of the Jeffersonian school, denouncing the intimate connection of the money power with national politics, opposing the tariff as detrimental to the staple industry of the South, and realizing ever more clearly the danger to the slavery interests

[1] Jackson was the choice of the people, his supporters said, and therefore entitled to the presidency. But the claim has no foundation. Our presidents are not elected by popular vote, nor is there any proof that the vote of the country at large in 1824 would have been cast for Jackson. Legislatures chose the electors in one fourth of the states, and in those states where the people chose them the majority of the votes were not cast for Jackson. Nor did Jackson himself seem to think that any injustice had been done to him in the method of the election. He congratulated Adams on the evening of his choice by the House. But when Clay was appointed and confirmed, Jackson resigned from the Senate and began the four years' campaign which was to carry him triumphantly into the White House.

of the extension of the power of the national government over the territories. They claimed to be the genuine Democratic Republicans, and resuscitated the party name of "Democrat," which had been dropped a generation before, when the excesses of the French Revolution had brought it into disrepute.

The new party lines were not drawn with the distinctness which had separated the old Federalists and Republicans in Washington's administration. Our country was much larger and its interests were much more varied and complicated. The West, for example, which formed but 3 per cent of the population in 1790, counted 27.3 per cent in 1820, and by the census of the latter year was entitled to 47 of the 213 seats in the House. Nine of the twenty-four states in the Union at the beginning of John Quincy Adams's administration lay west of the Alleghenies, giving them three eighths of the seats in the Senate. The material interests of the West seemed on the whole to lie with the Adams-Clay school, which favored internal improvements at national expense and a tariff for their wool, hemp, iron, and lead; but the intense democracy of the new Western commonwealths[1] and growing pride in their self-sufficiency inclined them to the Jackson-Calhoun side. In the election of 1824 they had shown this conflict of sentiment. Indiana, Alabama, Mississippi, and Tennessee voted for Jackson; Kentucky, Missouri, and Ohio for Clay; while Illinois and Louisiana divided their votes between Jackson and Adams. Finally, as events were soon to show, there was no real identity of interests between Jackson and Calhoun. They only made common cause for the moment against Adams and Clay.

Adams realized the embarrassing position in which he was placed. Addressing his first Congress (in which the administration candidate for Speaker of the House was elected by a margin of only five votes), he said, "Less possessed of your confidence in advance than any of my predecessors, I am deeply

[1] Ohio was the only state of the Northwest, and Louisiana and Mississippi were the only Western states south of the Ohio, that had not adopted manhood suffrage. In these states either the payment of taxes or the purchase of public lands or enrollment in the militia conferred the vote.

conscious of the prospect that I shall stand more and oftener in need of your indulgence." But if Adams craved the indulgence of his congressmen, he had no intention of indulging their cravings. Office-seekers went away hungry from his door. He steadfastly refused to use the enormous power of the presidential patronage to build up a party machine. He declined to deprive men of office because they worked for Jackson or Crawford. A despairing editor-politician, after laboring in vain with the President to get him to dismiss a political enemy, left with the Parthian shot that Mr. Adams would find himself "dismissed" at the next election. Adams was unwilling or unable, also, to temper his policy so as to win waverers to his side. In his first message to Congress he went to such extremes in the advocacy of internal improvements that even Henry Clay was somewhat taken aback. Many of the President's friends were alienated, and his enemies made the message an occasion for the charge that he was aiming to revive the old Federalist party and principles.[1] Thomas Jefferson, now in his eighty-third year, wrote to Madison from Monticello, in his alarm for the preservation of the rights of the states, suggesting that a public protest based on the Virginia and Kentucky Resolutions of 1798 should be issued. Adams failed to win support for his national policy and was obliged to confine his recommendations to the modest limits prescribed in the bill of April, 1824—appropriations for the surveys and plans of roads projected as national highways, for the repair of existing roads, and for the purchase of stock in private companies (controlled by state laws) for the construction of canals. Any national work on the scale of the great Erie Canal, which was opened with imposing festivities only a few weeks before he sent his first message to

[1] Thomas H. Benton says, in his "Thirty Years' View": "The declaration of principles which would give so much power to the government, and the danger of which had just been so fully set forth by Mr. Monroe in his veto of the Cumberland Road bill, alarmed the old Republicans and gave new grounds of opposition to President Adams' administration in addition to the strong one growing out of the election in the House of Representatives." Crawford wrote to Henry Clay, "The whole of his [Adams's] first message to Congress is replete with doctrines which I hold to be unconstitutional."[2]

Congress, Adams was not destined to inaugurate. The net result of his ardor for internal improvements was to furnish his enemies another arrow for their quiver.

Three events in Adams's administration illustrate from different angles the sectional opposition to his broad policy of national control: the Panama mission, the quarrel with Georgia over the Indian lands within her borders, and the tariff of 1828.

The new republic of Colombia, with the great "liberator" Simon Bolivar as its president, took the lead in organizing a confederation of the Latin-American states. Treaties were made with Peru, Chile, Guatemala, and Mexico in the years 1823–1825, forming a military league and providing for a congress of the states to cement "in a most solid and stable manner the intimate relations which ought to exist between all and every one of them." The ministers from Colombia and Mexico approached Clay in the spring of 1825 on the subject of the participation of the United States in the congress, which was appointed to meet at Panama, and found in the Secretary an enthusiastic partner. President Adams, however, asked first to be informed on the subjects which the congress proposed to discuss, on the powers to be granted to the delegates, and on the methods of procedure. He told Clay to make it clear to the ministers that the United States would not join a military league for prosecuting a war with Spain. When the answers to Adams's questions came in November, 1825, they proved very unsatisfacotry. No details of powers or procedure were given; only the general purpose was repeated of joint resistance of the American republics to European interference. This the South Americans interpreted as the meaning of the Monroe Doctrine. It was, of course, far removed from Monroe's intention to pledge the United States to go to war on the judgment and initiation of the Latin-American states. Adams wanted the United States to be represented at Panama, however, and in his message to Congress on the subject, in the winter of 1825, he gave his own interpretation of the purpose of the meeting, dwelling on the opportunity of improving our commerce with Latin America, of forwarding the principles of maritime neu-

trality, and even of exerting the moral influence of the United States for the advancement of religious liberty.

But behind these amiable considerations of commercial policy and missionary zeal there was involved a very definite question of American expansion and the slavery interests. The rich island colonies of Cuba and Porto Rico offered a tempting prize to European nations in Spain's extremity. As Secretary of State in Monroe's cabinet, Adams had already warned our ministers abroad that the United States could not allow France to seize these islands in her crusade to reëstablish absolutism in Spain, or England to take them as a reward for alliance with Spain in defeating the French invasion. He had even gone so far as to say that in looking forward half a century it was "impossible to resist the conviction that the annexation of Cuba to the United States" would be "indispensable to the continuation of the Union itself." The danger of the seizure of the islands by a European power seemed removed by the announcement of the Monroe Doctrine (although Clay made the appearance of a French fleet off Cuba in the summer of 1825 a subject for remonstrance); but there had arisen the new danger that the league of Latin-American republics might themselves undertake the liberation of Cuba and Porto Rico from Spain.

Adams made it clear that his object was to preserve things as they were in the islands of the Caribbean, and Clay wrote to his friend Bolivar to dissuade him from plans of conquest there. Yet the Southern statesmen deliberately misrepresented the purposes of the administration. They professed to know the mind of President Adams better than he knew it himself. "It is clearly the intent of the President," said White of Tennessee in the Senate, "to enter into an agreement at Panama that if the powers of Europe make common cause with Spain we shall unite with Spanish-America to resist them." But it was clearly in the words of the President that he would do no such thing. The Southern senators maintained also that participation in the congress would mean indorsement of the plan to emancipate the blacks in the islands of Cuba and Porto Rico, and perhaps the establishment there of negro republics

like Haiti. Our participation in such plans was not for a moment dreamed of by the administration, yet senator after senator returned to the charge. Hayne of South Carolina declared that the discussion of slavery was not to be tolerated by the federal government or the free states, and that "on the very day when the unhallowed attempt should be made" to interfere with the domestic institution of the South "we shall consider ourselves as driven from the Union." Benton of Missouri protested against our entering into diplomatic relations with Haiti, "because the peace of eleven states of this Union will not permit black consuls and ambassadors to establish themselves in our cities and parade through our country and give their fellow blacks in the United States proof in hand of the honors which await them for a like successful effort [of revolution] on their part."

The Senate committee reported unfavorably on the Panama project, but the report was voted down and Adams's envoys were confirmed by the narrow vote of 24 to 19. It was an empty victory for the administration. One of the envoys died on his way to the congress, and the other arrived only after the meeting had adjourned. The congress itself was a complete failure. The net result of the whole business for the United States was the increase of sectional feeling. Especially ominous were the bitter debates in the Senate on the slavery issue in the congress.

At the same time a long-standing controversy between the state of Georgia and the national government came to a head. When Georgia, in 1802, ceded to the United States her charter claims to lands as far west as the Mississippi, it was with the provision that the national government should secure by treaty the extinction of the Indian claims within the borders of the state. The matter had dragged on for a score of years before the government had acquired some 15,000,000 acres from the Creeks and Cherokees—scarcely more than half the immense area in Georgia occupied by these fairly civilized tribes.[1] The

[1] Their total holdings in Georgia in 1802 were 25,000,000 acres, equal to the whole area of the New England states excepting Maine, and more than the area of the state of South Carolina.

state was impatient with the dilatoriness of the government at Washington, its impatience growing to exasperation when the Western boom that had followed the War of 1812 sent the prices of land and cotton soaring. In 1819 the legislature of Georgia began to protest, alleging not only that the government did not remove the Indians, but that by conferring citizenship on the Cherokees and encouraging them in the arts of civilization it was virtually assuring them of a fixed tenure of their lands. Troup, the energetic governor of Georgia, pushed the administration in the closing days of Monroe's term, but all the reply that Secretary Calhoun could get from the Creeks and Cherokees was that they would not sell one foot of their land nor would they exchange it for homes beyond the Mississippi. They sanctioned the penalty of death for any chieftain who should disobey the order. Nevertheless, some of the Creek leaders, induced by cupidity, signed a treaty at Indian Springs, February 12, 1825, by which, in consideration for $400,000 and trans-Mississippi grants, they ceded nearly all the Creek claims in Georgia. The Indians were given until September, 1826, to move out.

As soon as the treaty was signed (the day after Adams's inauguration) Governor Troup began to survey the Indian lands. In spite of remonstrances from Washington and the dispatch of General Gaines to Georgia to protect the rights of the Indians under the treaty, Troup persisted in his course. The state of Georgia, he said, was sovereign on her soil, and the behavior of the President was unreasonable and "extraordinary." The government of the United States was making itself "the unblushing ally of savages." The Indians were but tenants at will, anyway. Georgia must and would have the lands, even if it involved resisting the central government in arms. When Adams, convinced that fraud had been practiced in the treaty of Indian Springs, negotiated a new treaty at Washington (January, 1826) more favorable to the Indians, the legislature of Georgia denounced the treaty as "illegal and unconstitutional." The state, it said, had never devolved upon the central government that jurisdiction over its internal affairs

which had become vested in its authorities with the extinction of the king's power in the colony. Adams received little support in the Senate when it appeared that persistence in his policy would involve coercing the state of Georgia. He was relieved from a most embarrassing situation by the conclusion of a treaty with the Creeks late in 1827, by which they finally gave up their lands.[1] The significant fact in this controversy was the defiance of the administration at Washington by a "sovereign state." The victory remained with Troup and not with Adams—for the former had been heartily and unanimously supported by his legislature, while the latter had been left in the lurch by a factious Congress.

But most serious of all the manifestations of sectional rivalry developing in the Adams administration was the controversy over the tariff. The growth of manufactures in the Northern and central states had been rapid and steady since the recovery from the panic of 1819. During the period of Monroe's second term the capital employed in manufactures increased from less than $100,000,000 to $160,000,000, and the number of workers employed from a few hundred thousand to nearly 2,000,000. Only about six per cent of all this capital and labor was to be found in the cotton-raising states of the Carolinas, Georgia, Alabama, Mississippi, and Tennessee. Every session of Congress from 1820 on saw the attempt on the part of the manufacturers to get a new tariff bill passed, and their narrow success in 1824 was due to a "dicker" with the Western states, by which the duties on raw wool, iron ore, hemp, and lead were increased. But still the woolen interests of the North were not satisfied. England had reduced the duty on raw wool, so that her factories were able to send quantities of cheap woolen goods to America. The only remedy for our woolen manufacturers was in a system of minimal valuations such as had saved the cotton industry in the tariff of 1816 (see page 287). A bill incorporating this principle was passed in the House early in 1827, but was defeated by Vice President Calhoun's casting vote in the Senate.

[1] The contest was not settled until the Indians were forced by President Jackson, in 1835, to seek homes across the Mississippi.

This bill (the Mallory Bill) was the signal for a violent agitation over the tariff. During the long recess of Congress from March to December, 1827, resolutions of state legislatures, conventions, and mass meetings, indorsements and protests in pamphlets, newspapers, and memorials abounded. The closing of the British West Indies to American trade in July, 1826, had cut off a valuable market for the grain and flour of the West, without providing a compensation in the growth of a home market; while the sheep-raising interest saw with growing dismay the failure of the domestic woolen manufactures. It was not difficult, then, to get the Western states north of the Ohio to join with New England and the middle Atlantic states in sending delegates to a convention at Harrisburg in the midsummer of 1827 to devise a scheme of high duties under the name of the "American System." The South, at the same time, began in united fashion to resist the tariff on principle. A rise in price of woolens meant a large addition to the planter's bill for coarse clothing for his slaves and bagging for his crop, and an increase in the duties on iron meant higher prices for his farm implements; while any increase in tariff rates meant offending England, which took two thirds of his cotton crop. The legislatures of Georgia, South Carolina, and Alabama declared that Congress had no power to "regulate commerce" for the sake of aiding domestic manufactures in one section of our country, but only for the raising of a revenue; and that they intended to submit to no other interpretation of the Constitution than this. In an ardent speech at a large gathering of planters at Columbia, South Carolina, Dr. Thomas Cooper, president of the State College, asserted that the avowed object of the scheme of high protective duties proposed at Harrisburg was to tax the South for the interest of the North, to deprive them of their best customers, and to reduce them to "colonies and tributaries" of the manufacturing states. "We shall ere long be forced to calculate the value of our union," he cried, "to ask of what use is this unequal alliance by which the South has always been the loser and the North always the winner."

When the inevitable tariff bill was introduced into the Twentieth Congress and referred to the committee on manufactures, the Southern members, realizing that oratory was powerless against interest, resorted to a scheme for defeating the bill, whose details were confessed by Calhoun to the Senate nine years later. Instead of opposing the high rates on raw materials, like wool, pig iron, and hemp, they raised them still higher, adding duties on molasses and cordage, which were used in large quantities in New England. The object was to make the duties on raw material so high that New England would reject the whole bill. Politics entered into the plan, also. It was the year of the presidential election, and the Jackson forces were laboring with all their might to take the vote of the Northern states from Adams.[1] It was agreed that the Northern Democrats should support the bill, thereby getting credit for being friends of the protective system, while at the last moment the Southern Democrats should vote against it and, with the expected aid of New England, defeat it. This clever scheme to kill protection by a homeopathic overdose failed. New England voted for the bill, bitter as its ingredients were, and it passed the House and Senate by the close margins of 109 to 91 and 26 to 21. President Adams signed it May 19, 1828.

The passage of the "Tariff of Abominations" led to an outburst of protests, threats, and warnings in the South surpassing that of the previous summer. Governors of states were appealed to, to summon legislatures and even, as one South Carolina journalist wrote, "to prepare for a secession from the Union." A boycott was urged against the manufactures of the North and the products of the West. Southerners would go in homespun, as their Revolutionary fathers had done in the days of the "Association" against England in 1774, and would starve rather than buy the beef and bacon of the Ohio valley. Toasts were

[1] Some Southern statesmen went so far as to say that the tariff campaign of 1827–1828 was started primarily for political reasons, to secure the coöperation of the farming interests of the West and the manufacturing and commercial interests of the East in the support of Adams. John Randolph said that the only kind of manufactures the bill was directed to was "the manufacture of a president."

proposed at public banquets setting the sovereignty of the states above the authority of the nation, pledging independence as dearer than union. "Let the New England beware how she imitates the Old," was the contribution of C. C. Pinckney of South Carolina. McDuffie called the Stamp Act of 1765 and the tariff of 1828 "kindred acts of despotism." Immediate nullification of the tariff act was advised by some, and resistance "to the last ditch" against its execution. Hayne of South Carolina "rejoiced for the South and its liberties that the regular army of the United States was a mere handful of men." The voices of the ex-presidents Madison and Monroe were raised for moderation. Let a remedy be sought by compromise, as in the Missouri struggle. Let there be no talk of disunion.

The election of Jackson over Adams in November by an overwhelming majority gave the South pause. Every state west of the Alleghenies and every state south of Mason and Dixon's line except Maryland and Delaware gave its entire vote to Jackson, and he had all the electors of Pennsylvania, 20 out of 36 in New York, and 5 out of 11 in Maryland besides—a total of 178 to 83 for Adams. Although the Jackson men in the different sections of the country were by no means agreed in their economic interests, here was a chance for the South to regain the alliance of the West on a political basis. Jackson might be the reconciler. He was known not to be keen for protection. He was a native of South Carolina. Further action on the abominable tariff of 1828 was postponed, therefore, until it should be seen what Jackson would do when he should assume the presidential office on the fourth of March, 1829.

Meanwhile John C. Calhoun put forth his famous "Exposition and Protest" (December, 1828) denouncing the tariff on the score of its unconstitutionality and its offensive economic discrimination against the South. The pamphlet was only a résumé of the arguments urged for a year or more past by various writers and orators of the South: the noncompetence of Congress to lay duties for the encouragement of special industries, the doctrine of the national government as a "compact" between the states, and hence the impropriety of permit-

ting that government or any branch of it, like the Supreme Court, to set itself up as the final arbiter of the rights of the commonwealths which had created it and whose "agent" it was. If the minority in any section of the country is oppressed by the legislation of the majority in Congress, the remedy lies in the "reserved rights of the states when properly called into action." That such a minority was oppressed in the South by the tariff bills Calhoun showed by a mathematical demonstration. The Southern states, with their tobacco, rice, and cotton, furnished $37,500,000 out of the total $53,000,000 of exports from the country. It was the proceeds from these sales which paid for the goods imported. Hence some two thirds of the $23,000,000 collected in customs duties on imports was virtually paid by the South. The fallacy of Calhoun's argument, of course, was in the middle term, which boldly assumed both that the South spent all her money for imports and that the North spent none of hers so. But whoever paid for the imports, it was still true that the South suffered by the tax on them. And this actual grievance was the sufficient basis, in the eyes of the South, for Calhoun's political theory and for his economic calculation. The "Exposition and Protest" marked Calhoun's break with the nationalism which he had so ardently championed in the decade following the War of 1812. Henceforth he was the protagonist of states' rights and the interests of the South.[1] It was he more than any other man who prepared the way for the great secession, although he protested, and honestly protested, his love for the Union, even to that March day of 1850 when his solemn voice, for the last time and from the edge of the tomb, warned the North that obedience to its conscience in crying aloud against the evil of slavery would mean the provocation of the South to sever the bonds which were a token of friendship

[1] Henry Adams, in his "Life of John Randolph," claims that it was the ardent and eccentric Virginian who converted Calhoun to the extreme states'-rights doctrine, "as he sat rigid and statue-like in the vice-presidential chair and listened with pale face and lips compressed and hair brushed back over his imperious forehead" to Randolph's doctrines prophesying slave emancipation as the result of arming the government with power after power—over commerce, public lands, currency, etc.

between equals but a symbol of servitude when the strong oppressed the weak.

Into such an era of hard feelings had the tangled economic interests of East, West, and South converted the "era of good feelings" which marked Monroe's all but unanimous reëlection to the presidency. The national government had been defied, its laws and treaties declared unconstitutional, and the very value of its existence called in question. "The hour is come, or is rapidly approaching," said a report of the Georgia legislature, "when the states from Virginia to Georgia, from Missouri to Louisiana, must confederate and, as one man, say to the Union, 'We will no longer submit our retained rights to the snivelling insinuations of bad men on the floor of Congress.' "

The interests of the South were clearly divergent from those of the North and West on almost every important economic question of the day. She had no manufactures to profit by a tariff. The foreign market for her cotton was far more valuable than the home market. She had no need for improved highways and waterways to the West, for she had no merchandise to send over them. And, most serious of all, she looked with alarm on the rapidly growing power which a full Treasury and unrestricted immigration were bringing to the financial and industrial centers of the North, while her own ancestral estates were being sold for less than they had been worth in George Washington's day.

CHAPTER VII

"THE REIGN OF ANDREW JACKSON"

General Jackson . . . takes upon himself responsibility for measures which no one before him would have ventured to attempt.—ALEXIS DE TOCQUEVILLE

The New Democracy

Democracy is a relative term. A literal rule of the people is possible only in small communities like a New England town or a Swiss canton. In large political units, like state or nation, a pure democracy yields to a representative democracy. Instead of "government of the people by the people" there is government of the people by their chosen agents—with a great variety of qualifications for both the agents and the choosers. The fathers of the American public were not concerned to strengthen democracy on these shores. They made no provision in the Constitution for enlarging the suffrage, accepting as qualified to vote for national representation and presidential electors those whom the various states allowed to vote for "the most numerous branch" of their legislatures. And the suffrage in the various states, in turn, was quite generally the same as in the old colonial governments, which were anything but "democratic." It is estimated that in Washington's administration not more than one male adult in seven was a voter, while the actual direction of politics was in the hands of a small group of "the rich, the well born, and the able," who regarded any disposition of the people at large to interfere with their prerogative as a kind of ungrateful impertinence. Even Jefferson, who was looked on as a dangerous innovator for his devotion to the "French doctrine" of the rights of man, confined his "democracy" in practice to furthering the interests of the common people through the authorities already established instead

of overthrowing those authorities. He made no campaign for the extension of the suffrage or the principles of "direct government." In fact, the social soil of the old states, with their colonial traditions, was not favorable to the growth of a real democracy.

It was out of the West that the impetus came. In those pioneer communities beyond the mountains differences of social rank disappeared. Men were few and they all counted. Vigor, self-reliance, industry, not birth, privilege, or wealth, were the test of citizenship. The constitutions which the new transmontane states framed as they followed one another rapidly into the Union were almost all completely democratic, providing for manhood suffrage, frequent elections, and popular control of the executive and the judiciary. The influence of the Western democracy on the Eastern states was continuous and strong. One by one the strongholds of privilege fell. The suffrage was widened, the election of many officials was taken from the assemblies or special councils [1] and put into the hands of the people. Religious and property qualifications for office-holding were abolished; public education was encouraged. The process of democratization was slow at first, but came to a rapid culmination in the decade of the thirties, when Delaware (1831), Mississippi (1832), Georgia (1833–1835), and Tennessee (1834) all abolished their property qualifications for the suffrage. By 1840 Rhode Island was the only state left in the Union with the old colonial policy of exclusion still unmodified.[2]

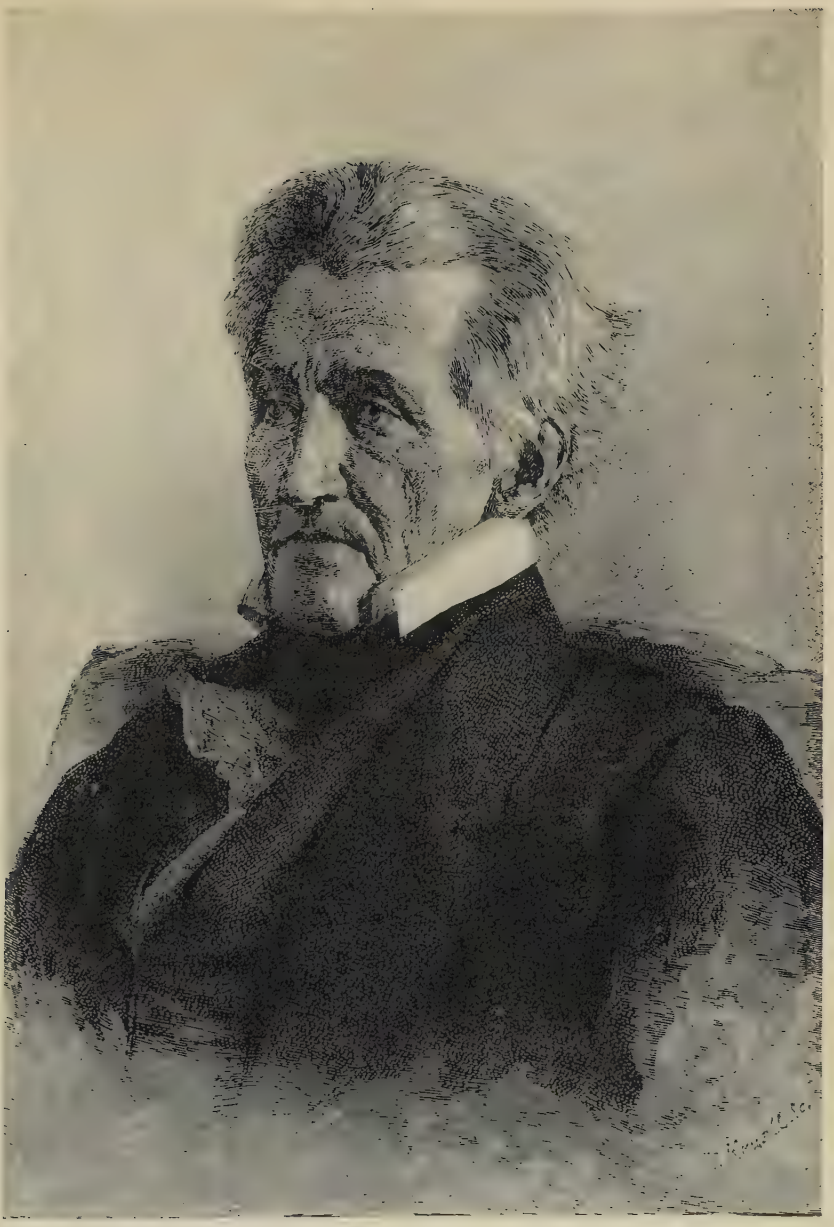
Second only to the influence of the Western states in establishing the new democracy was the growth of a prosperous wage-earning class in the manufacturing centers of the Eastern

[1] For example, two small councils in the state of New York had controlled the executive and legislative departments until the year 1821. The Council of Appointments of five members named about 15,000 officials, and the Council of Revision had the power to veto laws.

[2] Rhode Island kept its old colonial charter of 1662, which confined the suffrage to property-holders, until 1842, when, as the result of an armed rebellion led by Thomas Dorr in support of a "Peoples' constitution," the conservatives were forced to call a convention and frame a new, liberal constitution abolishing the property qualification.

and Middle States, which had been developing under the high tariffs since the War of 1812. This incipient proletariat was fruitful soil for the seeds of democracy. The workingmen, organized into unions, began to make their influence felt in politics. A Labor party held a national convention in Philadelphia in 1833 and presented demands for shorter hours, higher pay, and sanitary reforms in shops and factories. It petitioned state legislatures to pass laws in the interests of labor—lien laws on buildings to protect mechanics from the loss of wages by the failure or fraud of contractors, relief and stay laws to keep debtors out of prison, school laws to give free education to their children, and anti-convict-labor laws to prevent the competition of prison-made goods with the products of free labor. The journeymen bakers of New York sent out a manifesto to the public in June, 1834, protesting against a labor program of eighteen to twenty hours a day at starvation wages, and publishing a "white list" of employers who had "nobly agreed to give the wages required." A pathetic appeal signed by "many operatives" in the cotton mills of Philadelphia represented the folly and injustice of employing children from six years of age, "confined to steady employment during the longest days of the year from daylight until dark, and growing up as ignorant as Arabs of the Desert." Delegates from over a dozen trades met in convention at Boston in March, 1834, to form a general trade union of mechanics "to settle dissentions between employers and employed" and "produce a friction of mind and . . . sparks of intellectual fire . . . which will electrify, enlighten and warm the whole body."

The political significance of this economic and social trend was very great. Here were new masses of voters to be organized and kept to party allegiance not so much through the persuasion of reason and principles as by the appeal to emotion and immediate material interests. The boss and his machine began to appear. Astute party managers flattered the ears of the groundlings. All the tricks of political advertisement, with shibboleths and popular catchwords, badges and banners, were pressed into service. Public offices came to be looked on not



ANDREW JACKSON

(From the engraving by G. Kruell after the lithograph by La Fosse, copyrighted by M. Knoedler & Co.)

as honorable positions of civic responsibility so much as rewards with which to pay political obligations. "Patronage" became the allotment of fodder from the public crib. A classic remark of William M. Marcy of New York in a debate in the Senate in 1832, "To the victors belong the spoils," has fastened upon his name the unenviable and undeserved reputation of being the author of the "spoils system." Marcy was only giving picturesque expression to an idea that had been long germinating. Some years earlier, Edward Everett of Massachusetts had said, "For an administration to bestow its patronage without distinction of party is to court its own destruction."

The man who was first to take advantage of these tendencies in our national politics, and with whose name the new democracy is indissolubly linked, was Andrew Jackson. He was the first president from the new West, the first to break through the "dynastic" succession of Secretaries of State, the first since George Washington who owed neither his selection nor his election to any agency of Congress. He came into the White House fresh from the hands of the "people," triumphant in a campaign whose chief rallying-cry had been, "Down with the aristocrats!" The oft-described scene of Jackson's inauguration on March 4, 1829, when the "great unwashed" throng of farmers and laborers, of Western frontiersmen and rough old Indian fighters, swarmed into the White House to grasp the hand of the "old hero" of New Orleans and fought in most unmannerly fashion for the sandwiches and orange punch, was looked on by dignified statesmen like Webster and Story as the opening of the reign of King Mob. But Andrew Jackson lacked neither dignity nor poise. He was even courtly, with the direct and ingenuous courtliness of the borderer. He was incorruptible, intensely patriotic, devoted in his attachments—and in his antipathies. Trained by a long and hard schooling in military responsibility, he was rapid in decision, courageous in council, and vigorous in action. With the soldier's virtues he had the soldier's faults, exacting a servile obedience from his appointees, regarding dissent from his policies as insubordination, and carrying the zest of battle into the arena dedicated

to peaceful deliberation. His strong will he had never learned nor wished to learn to curb, and the generally successful outcome of his arbitrary conduct had fortified his self-confidence. Excess of zeal spared him the embarrassment of a lack of knowledge. His vigorous intellect was impatient of schooling, and he proceeded to conclusions on difficult and intricate questions like finance and banking with sadly inadequate light.

It was in thorough accord with Andrew Jackson's character that he, first of all our presidents, interpreted his office as a direct commission from the people, appropriating to the full the ample powers given to the chief executive by the Constitution. Ever since the inauguration of Madison, Congress had dominated the executive. It seemed as though our government were approaching closer to the English model, with the executive as the mouthpiece of a parliamentary majority. We have seen with what almost humiliating deference John Quincy Adams waited on the will of his Congress. Nothing shows more clearly the change in the spirit of the executive than a comparison of Adams's pathetic appeal in his first message to Congress—for their "indulgence" to a president who stood "less possessed of their confidence" than his predecessors—with Jackson's defiant toleration of a branch of the government coördinate with, but in no sense superior to, the president of the people's choice. Jackson was concerned neither to "manage" Congress, like Jefferson, nor to get into harmony with it, like Jefferson's successors. He rather let it go its own way in the interpretation of the Constitution, while he went his. He used the veto power freely, depending always on popular majorities at the polls to support his policies. For this unwonted exercise of his constitutional prerogative he was dubbed "King Andrew the First" and represented in cartoons with crown and scepter, trampling the Constitution under his sandaled feet. In the House there was even talk of impeaching him. But however exasperating to Henry Clay and the other congressional leaders Jackson's selection of his "Pretorian guard" of advisers or his veto of bills or his removal of secretaries might be, there was nothing in all these acts that violated his oath to support the Constitu-

tion, or that could by any strain of interpretation be charged against him as "treason, bribery, or other high crimes or misdemeanors."

Although Jackson had put himself on record in a famous letter to President-elect Monroe, in 1816, as an enemy of partisan appointments, declaring that men should be selected who were "most conspicuous for probity, virtue, firmness, and capacity, without regard to party," he threw his doctrine to the winds when he himself entered the presidency. Heads of bureaus, chief clerks of departments, collectors and surveyors of customs, registrars of land offices, naval officers, marshals, district attorneys, diplomatic and consular agents, with hosts of minor secretaries and clerks, were turned out of office. Between March and June, 1829, over three hundred postmasters were dismissed. To have supported Adams in the campaign of 1828, or approved the "corrupt bargain" between Adams and Clay in 1825, meant an official's political death warrant. "Ike" Hill, one of Jackson's most devoted henchmen, playfully declared that "the barnacles must be scraped clean from the Ship of State." There was undoubtedly some justification besides a political victory for a shake-up in the civil service. Many officials, by long tenure of power, had come to regard their positions as a prescriptive right, even after they had outlived their usefulness. The wits of Washington spoke of the Treasury as the "octogenarian department." But the indecent and indiscriminate haste with which removals were made in order to build up the new Jackson "machine" opened the door to incompetence and corruption. The "clean sweep" was made with a very dirty broom.

John C. Calhoun, who had been reëlected to the vice presidency, expected to wield a large influence in the Jackson administration and to succeed the "old hero" in the presidency in 1833. For a single term was one of the Democratic professions ostentatiously put forward by Jackson—until he became convinced of the desirability of a second term. Calhoun's services entitled him to great expectations. He had labored as vice president for four years in Washington to bring the Adams-Clay

administration into disgrace and smooth the way for Jackson's succession. He had thrown his enormous influence in the South in favor of Jackson, defeating whatever chances Crawford might have to contest the election of 1828. He had advised South Carolina and her sister states of the South to defer any action on the oppressive tariff of 1828 until Jackson's administration should have come into office, believing that his opinion would have decisive weight with a president who was confessedly not very conversant with theories of taxation. But one thing after another came to spoil the influence of Calhoun and the extreme Southern wing of the Democracy with the administration. Martin Van Buren, a shrewd politician of New York, a Crawford man in 1824 but since then the chief lieutenant of Jackson in the state, was given the first place in the cabinet. Van Buren was bland, insinuating, and deferential, a servant after Jackson's own heart. His influence with the President grew daily and was firmly established when he espoused Jackson's side in a social quarrel which convulsed the cabinet and the capital.[1] Besides, Jackson, being a strong Union man, already scented danger to the central government and his own authority in the attitude of South Carolina on the tariff; for although Calhoun's authorship of the "Exposition and Protest" was not yet acknowledged, he was known to be moving fast in the direction of particularism and states' rights.

The event which caused the final break between Jackson and the ambitious vice president, however, was the revelation, diabolically sprung by Crawford at the psychological moment, of Calhoun's "treachery" to Jackson a decade before. Calhoun, Crawford, and Adams had all been members of Monroe's cabinet in 1818, when Jackson's conduct in the Seminole War had been

[1] Jackson's Secretary of War, John Eaton, had married, only a few weeks before entering the cabinet, a widow who in her girlhood had been known as Peggy O'Neill, the daughter of a Washington tavern-keeper. Stories were circulated reflecting on Mrs. Eaton's character, and the ladies of the administration, beginning with Mrs. Calhoun, refused to receive Mrs. Eaton as a social equal or attend the functions to which she was invited. Jackson believed none of the scandal, but treated the charming, witty wife of his Secretary of War with chivalrous attention. Van Buren, being a widower, was free to follow his chief in the same course.

under discussion (p. 302). Jackson had believed at the time, and had continued to believe, that Calhoun had upheld his action in the invasion of Florida then and that Adams had opposed him, whereas the truth was that Adams had upheld him and Calhoun had proposed that he should be recalled and court-martialed. When Jackson heard this new version of the affair, nearly a year after he had entered the presidency, he immediately called upon Calhoun for an explanation. The Vice President, greatly embarrassed and anxious to restore his waning influence, shrank from a manly confession of the whole truth. He produced a labored and unconvincing apology for his conduct, which served only to make his offense doubly deep in Jackson's eyes. All public confidence and private friendship between the two men was forever ended. Shortly afterward Jackson entirely reorganized his cabinet in order to exclude the partisans of Calhoun; and, a few months later still, Calhoun himself resigned the vice presidency and entered the Senate as the champion of the doctrines of state sovereignty and a weakened Union, which were most detestable to Andrew Jackson.

The breach between the administration and the great leader of the South was far more significant than any mere personal or factional quarrel. It had a direct bearing on our national history. The South was anxious for an alliance with the new democracy of the West. She tried to play off the economic interests of the North against those of the West in the tariff controversies. She only reluctantly gave up her championship of internal improvements (advocated by Calhoun as late as 1825) when the fear of increasing the power of the central government outweighed the gratitude to be derived from the benefited section. Soon after the opening of Jackson's first Congress the South made another bid for Western support. Senator Foote of Connecticut introduced a resolution late in December, 1829, limiting the sales of public lands in the Western states. Hayne of South Carolina replied, denouncing legislation which discriminated against any section of our country. Warmed by his own eloquence, Hayne left the subject of the resolution and launched into a general condemnation of the

North for its selfish policy of sectionalism, as shown especially in the high-tariff legislation. He declared that a way was open under the Constitution for a state to be rid of an oppressive act of Congress. When challenged by Daniel Webster to make his meaning clear, Hayne delivered a long speech on January 21, 1830, in which he set forth the doctrine of the "Exposition and Protest" in its full vigor. The federal government was but the trustee of the states, in which sovereignty ultimately resided. It could not, either in its legislative or in its judicial branch, be the judge of its own powers, for that would be to reduce the states to mere "corporations." Hence the federal laws were subject to review and even annulment at the hands of the sovereignties which had first called the federal government into being and conferred upon it certain specified powers. Thus "for the first time in the halls of Congress was openly asserted the doctrine that the sovereignty of the states was original and paramount, while that of the Federal Union was delegated and subsidiary." Webster's reply to Hayne on the 26th and 27th of January is considered by many the most powerful speech ever made in the American Congress. He took his stand squarely on the ground that the Constitution of the United States was the authoritative charter of government of the American people; that it might be amended by the people, but must always be obeyed as the supreme law to which the officials in every state had pledged their oath of allegiance. He showed that the assumption by one state or another of the power to annul this or that law which it found unwelcome would result in confusion worse confounded. The government of the United States would become an absurdity. The Constitution would be a "rope of sand" to bind the states together, and we should be plunged again into the anarchy of the Confederation, from which we had been rescued by precisely the creation of a truly national government.

Jackson, of course, could have no part in the debates of the Senate, but an opportunity soon came for him to show his colors. For the celebration of Jefferson's birthday (April 13) a banquet was arranged in Washington by a committee of Southern states-

men, who planned to use the occasion to exploit the great Virginian as the sponsor of the doctrines put forward by Calhoun and Hayne. Jackson had meditated carefully on the situation, taking council of his advisers on the wording of the toast which he, as chief magistrate, would be called on first to deliver. He rose, lifted his glass, and, looking Calhoun straight in the eyes, proposed "Our Federal Union—it must and shall be preserved!" Isaac Hill, who sat near the President, in describing the scene, said: "A proclamation of martial law in South Carolina and the order to arrest Calhoun where he sat could not have come with more staggering, blinding force." Calhoun rose with the rest to drink the toast, his glass trembling in his hand. Jackson stood silent and impassive. Calhoun waited until all had sat down; then he slowly rose and with hesitating accent offered the second voluntary toast: "The Union—next to our liberty most dear!" Then, after a moment's delay, and in a way that left doubt as to whether he intended it for a part of his toast or for a preface to a speech, he added, "May we all remember that it can only be preserved by respecting the rights of the States and by distributing equally the benefits and burdens of the Union." More toasts followed, but all interest in the feast was at an end. The company (more than a hundred at the start) had dwindled to thirty within five minutes after Calhoun sat down. On the morrow Jackson's friends secured from Crawford corroboration of the story of Calhoun's behavior in the cabinet meetings of 1818. From this moment it was certain that the enormous influence which Andrew Jackson had with the new democracy of the West would not be cast on the side of alliance with the South Carolina school of statesmen.

But if Jackson brought joy to the hearts of nationalists like Webster, Adams, and Clay in his determination to maintain the authority of the Union, he disappointed them in his no less positive determination to defeat their program of economic and financial centralization. It was a democratic Union, a people's Union, which he cherished. The people were great, and Andrew Jackson was their prophet. He looked with distrust

on Congress as the seat of aristocratic privilege. Had it not thwarted the people's will in 1825? Calhoun and Clay were drifting far apart in their political theories, the one toward the pole of disunion, the other toward the pole of Federalism. Both were equally abhorred in Jackson's eyes, and each knew that the "military chieftain in the White House" was his enemy. As the Calhoun-Hayne school tried to alienate Jackson's followers in the North by championing the cheap sale of public lands, so the Adams-Clay school tried to discredit him in the West on the issue of internal improvements. Clay got a bill through Congress in May, 1830, for the construction at national expense of a turnpike from Maysville to Lexington in the state of Kentucky. Jackson vetoed the bill, and the country at large approved his action. The era of internal improvements was passed, not to be reopened until the period following the Civil War, when the development of a vaster West demanded the ample resources of our national government.

The most conspicuous example, however, of the President's leadership of the new democracy was his appeal to the people in his mighty struggle against the Bank of the United States. Jackson was not an expert in the theory of banking and finance, but he saw in the Bank a huge privileged institution with an opportunity for sinister influence in politics through its grip on the business interests of the country and its arbitrary distribution of financial favors. He had the frontiersman's prejudice against corporations with accumulated capital, which kept interest rates high and discouraged the circulation of cheap and abundant currency. The Bank of the United States especially, by its power to refuse to accept for government dues notes which were not secured by specie, held the whip hand over the state banks of the West. Jackson did not begin the attack on the Bank, as is often asserted. A full year before his inauguration (March 3, 1828) Senator Benton of Missouri had denounced the institution as a private beneficiary of the public wealth. The Bank, he declared, held $3,000,000 of government deposits, from the loan of which it realized some $150,000 a year, to be distributed to its stockholders, while the government was taxing the people for the

payment of interest on its public debt. The surplus should be drawn out of the bank and applied to the discharge of the debt. Jackson was in thorough sympathy with Benton on this subject. In his first annual message, of December, 1829, he declared that a large portion of the people questioned the constitutionality and expediency of the law creating the Bank, and furthermore that the Bank had failed to provide the country with a sound and uniform currency. The first of these statements was Jackson's private opinion, which he had no data to substantiate; the second was not true.

But Jackson did not judge the Bank on its merits.[1] It was enough for him that it was an undemocratic institution, a privileged corporation. There were rumors that the branches of the Bank in Charleston, New Orleans, Lexington, and Portsmouth had contributed money to the Adams campaign of 1828; and the president of the Portsmouth branch, Jeremiah Mason, was charged by Levi Woodbury, a Jackson senator from New Hampshire, with partiality toward the anti-Jackson business interests of the state. Nicholas Biddle, the able and autocratic president of the parent bank in Philadelphia, denied the charges and maintained that five hundred men less implicated in the strife of party factions than the officials of the Bank could not easily be found in the United States. The Bank was not "in politics." But Jackson would not be placated, even by the appointment of some Kentucky directors out of a list submitted by one of his cabinet officers. A lively correspondence on the subject between Jackson, Biddle, Ingham (Secretary of the Treasury), Mason, and Jackson's lieutenants Lewis, Hill, and Kendall filled the summer months. In his second message (December, 1830) the President returned to the charge, advocating a Bank without a charter, stockholders, loaning-privileges, or note issues—a simple branch of the Treasury, to hold deposits but

[1] The Bank report of December 1, 1829, showed assets of $190,000,000 and deposits of $13,000,000, with $27,000,000 worth of notes outstanding. Its discounts amounted to over $40,000,000. The stock stood at 125 and the dividends were at 6 or 7 per cent. The stock was widely distributed both in America and abroad, and the notes were considered as good as gold.

to do no discount business. Benton attempted soon after to introduce a resolution into the Senate against the renewal of the Bank's charter, but was voted down.

Meanwhile the House, through McDuffie, chairman of the Ways and Means Committee, had made a report favorable to the Bank, which only inflamed Jackson the more against "the hydra of corruption." The contest spread to the country; state legislatures passed resolutions for or against the recharter. When Jackson reorganized his cabinet in the summer of 1831 (p. 355), the new Secretaries of State (Edward Livingstone) and of the Treasury (Louis McLane) both proved to be friendly to the Bank. A new series of conferences was opened between the administration and the Bank officials, and a kind of truce was arranged. The government was to cease its attack, and the Bank was to refrain from a petition for recharter until after the presidential campaign of the coming summer. Jackson's mild words on the Bank in his third annual message gave apparent approval of this bargain. He said that he was content to leave the matter "for the present to the investigation of an enlightened people and their representatives."

The approach of the presidential year is the explanation of this situation. Jackson, in spite of his advocacy of a constitutional amendment limiting the presidency to a single term, had no desire to relinquish the reins of government. Moreover, enough states had already declared for him for a second term to defeat such an amendment if proposed. He allowed the administration paper, the Washington *Globe*, to announce early in 1831 that he could not retreat under the fire of his political enemies nor deny the people the chance to indorse his policies at the polls. His partisans saw the embarrassment of having the influence and wealth of the Bank arrayed against them in the election. Hence the truce.

A very important innovation was introduced into our politics in the presidential campaign of 1832; namely, the national nominating convention. It was one of the most conspicuous features of the new democracy. The Constitution made no provision for the selection of a candidate for the presidency. The

framers believed that the electoral colleges chosen in each state would cast their ballots for men of their own choice. But it was inevitable, as soon as national parties were formed, that there should be found a way of agreeing on a standard-bearer of the party in the campaign. A canvass of the members of the party in Congress was the commonest method of nominating a candidate down to 1824, when the congressional caucus was disapproved, by the growing democracy of the West especially, as arbitrary and aristocratic. It was not right that the president of the great American people should be picked out by a few men in secret conclave in Washington. Crawford, the last caucus nominee, got less than half as many votes in the election of 1824 as Jackson or Adams, who were nominated by state legislatures, conventions, and mass meetings. But if the congressional-caucus method was too exclusive, the nominations by separate states were too scattering and uncertain. It was a third party of very minor and temporary influence in our national politics that hit upon the scheme, ever since followed by all our parties, of a national nominating convention. The Antimasons,[1] originating in New York State in the late twenties, held an interstate convention at Philadelphia in 1830. Nine states were represented, and the plan was adopted of holding a national convention at Baltimore in the following year to nominate candidates for the presidency and vice presidency of the United States. At the Baltimore convention of September, 1831, where thirteen states were represented, William Wirt of Maryland and Amos Ellmaker of Pennsylvania were nominated as the ticket, and a "platform" was published in the form of an address to the people of the country to put down the archfoe of democracy, Freemasonry.

[1] In 1826 a certain William Morgan, a bricklayer of Batavia, New York, had published a book revealing the secrets of Freemasonry. For this he had been kidnaped by a band of conspirators and spirited away. He was traced to Fort Niagara, and some time later a body was found in the Niagara River—which was never proved to be Morgan's. Indignation against the Masons for this alleged murder grew to such a pitch that the party of Antimasons polled 33,000 votes in 1828 and 128,000 in 1830.

The National Republicans followed the lead of the Anti-masons. On December 12, 1831, delegates of their party from seventeen states met at Baltimore and, with but one dissenting voice, named Henry Clay for president. The sectional character of the "solid South" was already foreshadowed in this convention, not a delegate being present from South Carolina, Georgia, Alabama, Mississippi, or Missouri. The National-Republican convention did not put forth a platform of principles, but it published an address denouncing the administration of Jackson for its abuse of the civil service, its partisanship and incompetency, its defiance of Congress, its attack on the Bank, its dependence on a "kitchen cabinet" of demagogues in newspaper offices and minor Treasury posts, its hostility to our judiciary, its treachery on the tariff, and its encouragement to the state of Georgia to defy the supreme law of the land in the Indian treaties (p. 341). The following May a "Young Men's National-Republican Convention" (called "Clay's Infant School") met at Washington and adopted a positive platform for the party, advocating "adequate protection to American industry," "a uniform system of internal improvements," the final arbitrage of the Supreme Court in all cases arising under the Constitution and laws of the United States, and the maintenance of a stable, honest, and trained civil service. These "planks," with the support of the United States Bank, were taken over, a few years later, as the fundamental principles of the new Whig party.

The Democratic convention also met at Baltimore, on May 21, 1832. There was no need for a presidential nomination, for Jackson was already the acknowledged candidate of the whole party. The convention followed the President's wish in naming Van Buren for the second place on the ticket. Van Buren had been appointed minister to Great Britain on the break-up of the cabinet in 1831 and had actually sailed for London. When the Congress assembled in December the Senate rejected his name by the casting vote of Vice President Calhoun. It was a sweet morsel of revenge for Jackson to have Van Buren nominated for Calhoun's place, where he would preside

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for four years over the august body which had humiliated him. The Democratic convention of 1832 adopted the "two-thirds rule" for the choice of candidates, which has prevailed in the Democratic conventions to this day. The effect of these conventions, with their platforms and addresses, their review of public questions, their reports in the press, their recommendation of nationally indorsed candidates, was to stimulate and exploit the new democratic fervor and to bring out a large vote in the elections. Clay and Jackson stood out more clearly against each other than had any competing candidates since Jefferson and Adams a generation before.

Clay was anxious to have the election fought on a specific issue and believed that the recharter of the Bank was the most promising issue for the National Republicans. "Now or never is the time to act," he said. Webster and McDuffie agreed with him. The Bank had a majority of supporters in both Houses of Congress. A bill for recharter would be sure to pass, therefore, and would impale Jackson on the horns of a dilemma. If the President signed the bill he would be convicted of inconsistency with his position of 1829 and 1830; if he vetoed it he would lose the support of the great state of Pennsylvania and be rebuked in the election by the constituencies of the majority of the congressmen who had voted for the bill. A report of September, 1831, showed the Bank to be in excellent condition, its stock high, its liabilities modest, its loans all secured, its dividends steady at 7½ per cent. President Biddle, in spite of his hostility to Jackson, wished to keep the Bank out of the campaign, observing the compact made with the Secretaries. McLane, from the administration side, warned the friends of the Bank not to precipitate the question of a recharter. But Clay confidently and jubilantly overbore all opposition. He secured the introduction into the Senate, on March 13, 1832, of a bill providing for the extension of the charter (with a few inconsiderable amendments) for a period of fifteen years after its expiration on March 3, 1836. The bill was passed by votes of 28 to 25 in the Senate and 107 to 85 in the House. It went to the President on July 4, and six days later came back with his veto.

The veto message was the most vigorous one ever written by an American president. "It had all the fury," wrote Biddle, "of a chained panther biting the bars of his cage." Jackson condemned the Bank as an aristocratic, un-American institution, over $8,000,000 of whose stock was in the hands of foreigners. It fostered sectional jealousy by making the West the financial tributary of the East, since the nine trans-Allegheny states, with only $140,000 of stock on which to receive dividends, were paying over $1,600,000 interest on its loans. It enriched its stockholders by dividing among them the interest on millions of the public money held on deposit. It tyrannized over the state banks, arbitrarily interfering with the financial condition of the various sections of the country by its power to regulate discount rates and give or withhold loans. Even if it had been declared constitutional in John Marshall's famous decision of 1819, that did not mean that it must or ought to be established. The President in his executive capacity was as fully entitled to judge what were the agencies "necessary and proper" to his duties under the Constitution as was Congress in its legislative capacity or the Supreme Court in its judicial capacity. "Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. . . . The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges; and on that point the President is independent of both."

Clay and Biddle were delighted with the veto. They believed that it would disrupt the President's party. The respectable men of the East would not vote for a demagogue who wished to knock the bottom out of their financial security nor for a despot who proclaimed the president's will supreme in the interpretation of the Constitution. But Clay and Biddle were mistaken. They depended on the educated and reasoning classes; Jackson relied on the masses. The vast majority of the voters knew nothing of the constitutional argument for or against the Bank. They did not come into contact with the Bank at all as depositors or stockholders. What little money they handled was

in the form of state bank notes. But they believed in Andrew Jackson, the democrat, the "old hero," and when he said that the Bank was a "monster," that it was the instrument of a bloated aristocracy robbing the poor of their money and sending the rates of interest up for the borrower, they rallied to his call for its overthrow. State after state gave its vote to Jackson when the elections were held in the autumn of 1832.[1] When the returns were all in, it was found that Clay had carried only the six states of Massachusetts, Rhode Island, Connecticut, Delaware, Kentucky, and part of Maryland,—49 electoral votes. Wirt, the Antimason candidate, carried Vermont, and Jackson the other sixteen states, with 219 electoral votes. The popular vote was 687,502 for Jackson and 530,187 for Clay. Jackson had appealed to the people over the head of Congress, in the face of a strong and wealthy corporation,[2] against the most powerful rival the opposition party could furnish. He could embark on the important measures of his second administration confident in the indorsement of the American people.

A French scholar and publicist, Alexis de Tocqueville, came to our country in 1831 with a commission from his government to investigate our prison system. Tocqueville's interest widened into a study of the whole machinery of our government and of the spirit of our institutions. His famous treatise on "Democracy in America" was the result. At the close of a section entitled "What are the chances of the duration of the American Union and what dangers threaten it?" he gives the following estimate of Jackson's character: "We have been told that President Jackson is an energetic man, prone by nature and habit to the use of force, covetous of power and a despot by inclination. All this may be true, but the inferences that are drawn from these truths are very erroneous. It has been imagined that General Jackson is bent on establishing a des-

[1] It was not until January, 1845, that an act of Congress was passed fixing the first Tuesday after the first Monday in November as the uniform day for choosing presidential electors in all the states.

[2] The Bank spent over $50,000 on the campaign against Jackson. It is true that this was after his veto message and hence was a measure of self-protection.

potism in America, introducing a military spirit and giving a degree of influence to the central authority which cannot but be dangerous to the provincial [state] liberties. But in America the time for similar undertakings and the age for men of this kind is not yet come [!]; if General Jackson had thought of exercising his authority in this manner, he would infallibly have forfeited his political station, and compromised his life. . . . Far from wishing to extend the Federal power, the President belongs to a party which is desirous of limiting that power to the clear and precise letter of the Constitution. He was placed in this lofty station by the passions which are most opposed to the central government. It is by perpetually flattering these passions that he maintains his station and his popularity. General Jackson is the slave of the majority; he yields to its wishes, its propensities, its demands—say rather anticipates and forestalls them. . . . He appears to me, if I may use the American expression, to be a Federalist by taste and a Republican by calculation. General Jackson stoops to gain the favor of the majority but when he feels that his popularity is secure, he overthrows all obstacles in the pursuit of the objects which the community approves or of those which it does not regard with jealousy. Supported by a power which his predecessors never had, he tramples on his personal enemies, whenever they cross his path, with a facility without example. He takes upon himself responsibility for measures which no one before him would have ventured to attempt. He even treats the national representatives with a disdain approaching to insult. He puts his veto on the laws of Congress, and frequently neglects even to reply to that powerful body. He is a favorite who sometimes treats his master roughly. The power of General Jackson perpetually increases, but that of the President declines; in his hands the Federal government is strong, but it will pass enfeebled into the hands of his successor."

Such was the distinguished foreigner's estimate, curiously compounded of the truth and error, of the man who was the incarnation of the new American democracy.

Nullification

Four days after Jackson had vetoed the Bank bill he signed the new tariff bill. By the first act he bade defiance to the Clay-Adams-Webster program in Congress; by the second he destroyed the last hope of the Calhoun-Hayne-McDuffie forces for support from the administration. Ever since the appearance of Calhoun's "Protest" against the "Tariff of Abominations" in December, 1828, the offended South had been waiting with fluctuating hopes and fears for relief at the hands of the Southern, slaveholding, states'-rights president who had defeated John Quincy Adams. That he was heretically indifferent on the tariff they knew,[1] but his championship of the state of Georgia in her conflict with Congress and the Supreme Court in the Cherokee Indian affair encouraged them to believe that he would defend also the interests of his native state of South Carolina.

Meanwhile the progress of the opposition to the tariff in South Carolina was steady. George McDuffie of South Carolina, the chairman of the Ways and Means Committee in the House and an extreme advocate of state sovereignty, delivered a speech on April 29, 1830, in support of an amendment to the tariff, to reduce the duties on woolen and cotton goods, iron, hemp, indigo, and molasses to the levels which had prevailed before 1824. McDuffie developed the economic argument against the protective tariff, as Calhoun had developed the constitutional argument. He maintained that those who produce the exports of a country pay the duty on the imports, and consequently drew the deduction that because the cotton and rice states of the South furnished more than half the exports, they paid more than one half the revenue duties, though they constituted only one fifth of the population and consumed less than one fifth of the imports. The Northern majority in Congress, "the representa-

[1] On the subject of the tariff Iredell wrote impatiently to Mangum of North Carolina, February 4, 1832: "Why does not General Jackson come out upon it! Why this studied equivocation in all his messages—Who can understand on which side he is?"

tives of those who receive the bounty and put it in their pockets," were thus "laying the iron hand of unconstitutional and lawless taxation upon the people of the Southern States." Since the government had "degraded itself into a partisan of the stronger interest," no course remained to the outraged minority except to resist the execution of the tariff acts. McDuffie's open threat of nullification of the floor of Congress, at a moment when plans for a reduction of the tariff were already under consideration,[1] added to the large majority by which his amendment was voted down. But his defiant speech was the trumpet call to the disaffected elements of the South.

A battle royal was waged in South Carolina between the nullifiers and the antinullifiers, who were nicknamed the "nullies" and the "submission men" respectively. The "nullies" had to gain a two-thirds majority in both branches of the state legislature in order to issue a call for a state convention. To that end they enlisted the power of the press, held rallies, mass meetings, and public banquets, and sent out appeals to their sister states of the South. One paper declared that the system of "plunder and robbery on a large scale by unconstitutional law" must be resisted, though resistance "might lead to disunion and possible bloodshed." The North would not dare to push the cotton states to the extreme of secession, said McDuffie; for then the South, with her exports of $40,000,000 of produce, would control the imports of foreign merchandise and cut off the revenues which were enriching "the other parts of the Confederacy." Charleston would rival New York, and the wealth of the North would be shifted to the commercial centers of the South. The mills of Providence and Lowell would be silenced. The busy centers of industry in the New England States "would exhibit one wide unbroken scene of desolation and ruin." As for the

[1] Just a month after McDuffie's speech Jackson signed a bill reducing duties on tea, coffee, and cocoa. The near prospect of the extinction of the national debt gave promise of the reduction of the national income by a still further curtailment of import duties; and even though these were so arranged as to protect the Northern manufacturer, they would still bring a measure of relief to the Southern consumer.

submission men, who exclaim in most pathetic agonies, "The Union is in danger!" and who conjure up frightful pictures of war and blood to alarm the timid, let them not impose upon us by so shallow an artifice. "The Union, such as the majority have made it, is a foul monster, which those who worship, after seeing its deformity, are worthy of their chains."

Few went to the extreme lengths of the fiery McDuffie. Calhoun, the real leader of the nullifiers, always protested his love for the Union and maintained that his doctrine was the very guarantee of that Union as it had come from the hands of the fathers. In a long philosophical disquisition, filling sixteen columns of fine print in *Niles' Register*, Calhoun again went over the whole ground of the doctrine of "the right of interposition—be it called what it may: state right, veto, nullification or any other name." This right he conceived to be "the fundamental principle of our system, resting on facts historically as certain as the Revolution itself, and deductions as simple and demonstrable as that of any political or moral truth whatever." Calhoun's language was calm, but his spirit was growing more defiant every month. The break with Jackson over the Florida matter had already come. The cabinet was being purged of his partisans. His friends were beginning to urge his name as the Democratic candidate to replace Jackson in the election of the coming year. Personal resentments and rivalries thus entered in to stiffen his argument. He was not merely contending for an abstraction—he was nursing an ambition.

Nullifiers and Union men celebrated the Fourth of July, 1831, in Charleston with rival bands and banners, as they marched to their respective rallying-places for songs and speeches. In response to an invitation to attend the banquet of the Unionists, Jackson sent a letter which was read amid great enthusiasm by heralds at four points in the hall. It was an unsparing condemnation of any plan or counsel of dismemberment. That, said Jackson, "would begin with civil discord and end in colonial dependence on a foreign power and obliteration from the list of nations." The high and sacred duty of defending the

Constitution and laws of the United States, which he had assumed by his oath of office, would be performed at all hazards. To his friends and associates Jackson spoke in even stronger terms—of hanging the first man who defied the laws of the country to the first tree he could find, and of enforcing those laws in South Carolina, even if he should have to "depopulate the state of traitors and repopulate it with a wiser and better race." Jackson was used to speaking in hyperbole, but none made the mistake of taking his exaggerations for mere bravado.

When Congress met in December, 1831, the tariff became at once the subject of active debate, not only on account of South Carolina's threatening attitude but also because the abnormally high rates of 1828 were piling up a surplus in the Treasury just when the national debt was nearing extinction. It was estimated that the debt would be paid in less than two years, leaving surplus revenues of some $12,000,000. There were three propositions for tariff reform. McDuffie insisted that the bill should come from his committee of Ways and Means and succeeded in introducing a sweeping measure for the hasty reduction of all duties to a basis of 12½ per cent ad valorem rate. Jackson favored a more gradual readjustment, under the leadership of John Quincy Adams, chairman of the Committee on Manufactures, who was one of the moderate protectionists. But Henry Clay, in the Senate, was determined that no item of protection to American manufactures should be sacrificed. He confessed that the revenues ought to be reduced, but contended that the whole reduction should fall on such imports as did not compete with our mills and factories. If there was still a surplus, the government should spend it on internal improvements. Clay was confident, even elated. He had just been triumphantly nominated for the presidency by the National-Republican convention at Baltimore. He expected, as we have seen in studying the Bank controversy, to drive the Jackson administration to the wall. When he was warned that his extreme measures would provoke the South and the President, he replied that to preserve his "American System" he would "defy the South, the President, and the Devil."

McDuffie's "free trade" bill was promptly rejected by the House, partly on its own demerits and partly to rebuke its author for his intemperate sectional speech. The Adams Bill, on the other hand, which was carefully prepared on the basis of the Secretary of the Treasury's report of December, 1831, was debated for nearly two months. Clay's influence in the Senate secured certain modifications for the better protection of home industries, and the bill went to the President on July 9 with a two-thirds majority in both Houses of Congress. Jackson signed the bill five days later. The tariff of 1832 furnished some relief for the Southern planters in the reduction or remission of duties on their supplies; but it still left cotton and woolen manufactures highly protected, and registered on the whole a victory for Clay's "American System." The vote showed a complete sectionalization of the country.

It was for this disappointing result, then, that South Carolina had waited—too patiently, as she thought—for four years. From this moment her energies were concentrated on the nullification program. She ignored the national candidates Jackson and Clay in the campaign of 1832, throwing her electoral vote away on John Floyd of Virginia. Governor Hamilton had already long been a champion of nullification, and Clay's speeches of 1831 had won the important municipal government of Charleston to the cause. In the state elections of 1832 a two-thirds majority in both branches of the legislature was secured, and a proclamation was issued for a convention to meet at the capital on November 19 to take action. The convention, in spite of the brave opposition of its little group of Union men, adopted an Ordinance of Nullification, by the overwhelming vote of 136 to 26. It declared the tariff acts of 1828 and 1832 "null and void and no longer binding upon the state" after the first day of February, 1833. It ordered the state legislature to pass laws to carry the ordinance into effect and forbade any appeal to the Supreme Court of the United States on the validity of these laws. It enacted an oath of obedience to the ordinance and the laws passed under it from every civil and military official of the state. And it concluded with a threat that any attempt on the part of

the national government to coerce the state by shutting up her ports or harassing her commerce would be considered a just cause for secession: "The people of South Carolina, absolved from all connection with the people of the other states, would forthwith proceed to organize a separate government and do all other acts and things which sovereign and independent states may of right do." The legislature immediately gave effect to the ordinance by an act authorizing the governor to call out the militia of the state and accept volunteers besides if necessary, to provide for defense against invasion by the forces of the United States. South Carolina, in the words of Felix Grundy, "had legislated the Federal government out of the state."

President Jackson's reply to the ordinance was prompt and vigorous. As he wrote to James Buchanan,—then our minister to Russia and the man who twenty-eight years later, in Jackson's own high office, was confronted not with the threat but with the fact of secession,—"I met nullification at the threshold." In a proclamation to South Carolina, dated December 10, he declared in language that echoed Webster's, "The Constitution of the United States forms a government and not a league." He considered "the power to annul a law of the United States incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, and destructive of the great objects for which it was framed: to say that any state may at pleasure secede from the Union is to say that the United States are not a nation." He wrote to Poinsett, collector of the port of Charleston, that on receiving notice of the attempt to carry into effect the Ordinance of Nullification he would have ten or fifteen thousand well-organized troops, equipped for the field, in the city of Charleston within ten or fifteen days at the latest. Jackson had already taken measures to give his words effect. General Scott was sent to Charleston, artillery was brought from Fortress Monroe to Fort Moultrie, two warships were stationed in Charleston harbor, the customs officers were ordered to perform their duties to the federal government, and the collector was authorized to transfer the port of entry to Castle Pinckney if necessary, where

5000 stands of arms with ammunition had been sent subject to his orders. The President's proclamation was received with derisive shouts of laughter by the legislature of South Carolina, especially a paragraph in which he admonished them, "in parental language, as sons of his native state not to rush to certain ruin." Governor Hayne, who had succeeded Hamilton, was ordered to issue a counterblast, and the legislature went on with its preparations for the defense of the state.

The situation at the opening of 1833 was critical in the extreme. The specter of disunion loomed portentously. Calhoun had conjured up a spirit which he could not lay. He might persuade himself in his theorizing of the "peaceful" and "constitutional" remedy of nullification; but when his theory, in the hands of practical men of action, began to bear its inevitable fruit of disunion, he was appalled. He was deceived in his belief that the doctrine of nullification would enlist the support of the whole South. One by one the "co-states" rejected it. Virginia sent a commission to South Carolina to persuade her to repeal the ordinance. Mississippi denounced the doctrine as "subversive of the Constitution." If South Carolina decided to resist the government of the United States, she would have to do it alone. Calhoun was already receiving warnings of the punishment that waited for "traitors." He was ready for compromise, and in this compromise he formed an alliance with the man who was most responsible for the woes of South Carolina—Henry Clay.

Clay's part in the transaction was motivated by his opposition to Andrew Jackson. He too wished to see the Union preserved, and believed, further, that the laws of the United States must be executed. But he abhorred the thought of having these things accomplished by the "military chieftain" in the White House, the man who had just humiliated him in the campaign on the Bank issue and had received from the people another four years' tenure of power. As Calhoun, therefore, welcomed compromise for the sake of averting armed conflict between the United States and the state of South Carolina, Clay supported it to prevent Andrew Jackson from conducting the conflict. But the truculent sentiments attributed to the President by Clay and

others of his personal enemies were not founded on fact. Although Jackson insisted that the laws should be obeyed, and asked Congress in a special message of January 16, 1833, for the grant of military powers to assure the collection of the revenues in South Carolina, he nevertheless encouraged at the same time the passage of a new tariff law to remove the grievance of the South.[1]

In fact, the two policies of the maintenance of the government's authority and the reform of the tariff went along side by side in the closing session of the Twenty-first Congress. But the House, loath to give satisfaction to the nullifiers, dallied over the Verplanck Bill for the reduction of the revenue, while the Wilkins Bill (the "Force Bill," or "bloody bill" as it was called by the nullifiers), empowering the President to use the army and navy in enforcing the law, was held up in the Senate by the opposition of Calhoun. There was a deadlock on the question of which of the policies should take precedence, and the end of Congress was less than three weeks off when Clay, to the astonishment of the Senate, introduced a bill for the gradual reduction of the tariff to a 20 per cent ad valorem basis, extending over a nine-year period.[2] He declared that he accepted the disavowal by South Carolinian congressmen and senators of any purpose of rebellion or secession, and that he wished to give the state (which had postponed action from February 1 to the end of the session) an opportunity to recede from a position rashly taken, by a bill which should relieve the South without wholly abandoning the protective system. Calhoun hastened

[1] Daniel Webster accused the President of not wishing a tariff-reform bill to pass, in order that he might have "the undivided honor of suppressing nullification." But Benton, who was much closer to the President and a better interpreter of his purposes, wrote: "Many thought that he ought to relax in his civil measures for allaying discontent, while South Carolina held the military attitude of armed defiance to the United States—and among them Mr. Quincy Adams. But he adhered steadily to his purpose of going on with what justice required for the relief of the South, and promoted by all means in his power the success of the bills to reduce the revenue."

[2] The scale of reduction was as follows: one tenth of the excess over 20 per cent to be taken off at the close of each of the years 1833, 1835, 1837, 1839; three tenths at the close of 1841; and the remaining three tenths on June 30, 1842.

to the support of the bill, rather disingenuously asserting that it met the demands of South Carolina. He even withdrew his active opposition to the "Force Bill," which passed the Senate, February 20, with but a single dissenting vote.[1] The clause of the Constitution requiring that bills for raising revenue should originate in the House stood in the way of adopting Clay's measure. Clay's ingenious quibble that his bill provided for the *reducing* and not the *raising* of revenue was hardly convincing; but a scarcely less ingenious way of overcoming the technical difficulty was found by Letcher of Kentucky, who in the last days of the session "amended" the Verplanck Bill by substituting Clay's for it *in toto*. The House passed the Clay Bill, and the Senate concurred, March 1, 1833. On the same day the House passed the Wilkins "Force Bill" by a large majority, though the South Carolinians called it a *brutum fulmen*, since they had all voted for the compromise tariff, which settled the matter of resistance. On March 2 the President signed both bills, and two days later he was inaugurated, under these happy auspices of reconciliation, for his second term. On March 11 the South Carolina legislature reconvened and a week later rescinded the ordinance of the previous November by a vote of 153 to 4. The nullification episode was at an end, and the federal troops were recalled.

As is customary in all political compromises, both sides claimed the victory. Yet the federal government had little cause to congratulate itself. The state of South Carolina did not repeal her defiant ordinance until she had forced Congress to make a drastic reform of the tariff. Furthermore, the convention of South Carolina, in the very session in which it repealed the nullification ordinance, nullified the "Force Bill" with complete impunity. Whatever signs of relief there might be in South Carolina, there were none of repentance. The state flag, with its emblem of the coiled rattlesnake and the palmetto,

[1] Only 32 of the 47 senators voted on the bill. Calhoun and his followers left the Senate chamber just before the roll call began. Clay did not vote on the bill, either. John Tyler of Virginia, the future president of the United States, was the only senator who voted Nay.

was everywhere displayed, while no sign of the national Stars and Stripes was seen, among the decorations at a states'-rights ball in Charleston in honor of the men who had volunteered to protect their state against invasion by the federal troops.

Some historians have seen in the failure of the national government to "meet the nullifiers then and there upon their own issue and break the stubborn pride of South Carolina" the source of the country's woes a generation later. "The sword of civil war is always terrible to draw," wrote Schouler, "yet the worst slaughter in 1833 would have been light in comparison with that which followed the second provocation of this state less than thirty years later."[1] But to make South Carolina's secession of 1860 the outgrowth of the half-triumph of the "principles of disloyalty and dissolution" in her nullification doctrine of 1832 is a rash assumption. No event in our history more strikingly illustrates the truth of General Hancock's much-ridiculed remark that "the tariff is a local issue" than the nullification contest. It was essentially a quarrel between the United States and Charleston, the great port of the South. But the slavery issue was not "local." Slavery was the cause of the entire Southland, and, so far from being deterred from leading that cause by the memory of "coercion and abasement" suffered in 1833, South Carolina would have been, if possible, only the more spurred on thereby.

Judged on its own merits and without reference to its possible influence on the events of 1860, the doctrine of nullification is open to grave criticism. It was founded on an impracticable political theory, supported by unsound economic assumptions. The Calhoun-Hayne doctrine of a state's being competent at any time to interpose to suspend the operation of a law of

[1] James Schouler, "History of the United States," Vol. IV, p. 110. So Augustus C. Buell, in his "Life of Jackson," Vol. II, p. 286 (note), says: "When South Carolina in 1860–61 led off in the movement which only an Appomattox could stop . . . she was emboldened by exultant reminiscence of having bullied a Union with Jackson at its head. What her behavior might have been had she been compelled to remember such a punishment as Jackson certainly intended to visit upon her, but for the pusillanimous compromises of . . . Clay and Calhoun, is yet, and doubtless will always remain, an interesting theme of historical hypothesis."

Congress until appeal could be made by general referendum to secure the approval of that law by three fourths of the states meant, as Webster and others demonstrated again and again, only anarchy and confusion. We should have returned to the dismal days of the Confederation. "This everlasting cant of devotion to the Union, accompanied by a recommendation to do those acts which must necessarily destroy it," wrote an editor exasperated by Calhoun's philosophy, "is beyond patient endurance for a people not absolutely confined in their own madhouses." The economic fallacy which McDuffie brought to the support of nullification we have already noticed (p. 367). It assumed that the whole wealth of a country was measured by its exports and imports and that the exports literally paid for the imports, ignoring that major part of a country's wealth which consists of the distribution of its products among its own growing population. On this false hypothesis the South was led to believe that its distress was wholly caused by the protective tariff, whereas it was in reality largely due to the unprogressive character of a stationary civilization and undiversified industry founded on slave labor.

Furthermore, granted that South Carolina had a grievance in the high tariff, as she undoubtedly had, still nullification was precipitated on a waning and not a waxing issue. The tariff of 1832 was less oppressive than the tariff of 1828, and still further relief was about to follow. President Jackson's successive messages of 1829, 1830, and 1831 show a progressive interest in tariff reform, and even the archprotectionist, Henry Clay, confessed that the surplus revenue must be reduced as the debt neared extinction. If the South Carolina leaders had spoken in the language of patience and conciliation instead of defiance and even abuse of the Union, they would have recommended their cause to a more sympathetic Congress and country. As it was, by their defiance of the law they shifted the issue from the reduction of the tariff to the preservation of the authority of the Union.

President Jackson entered on his second term at the zenith of his popularity. He was adored in the West as the conquering

hero who had fought the battle of the plain people against monopoly and privilege. Whatever dissatisfaction his veto of the bill for the recharter of the Bank may have brought in the conservative East was swallowed up in the rejoicing over his firm stand against the nullifiers and disunionists. He made a tour of New England in the early summer of 1833 and was received with a welcome that almost rivaled that given to Lafayette eight years before. Harvard College conferred on him the degree of Doctor of Laws, to the great disgust of John Quincy Adams, who refused to grace the occasion with his presence.[1] The cities vied with one another in providing pageants, reviews, and banquets until they almost killed the President with kindness. He was obliged suddenly to cancel his further engagements, in order, as his physician said, that he "might get back to Washington alive." In the South he had made some enemies by his rigorous measures for the coercion of a sovereign state, but South Carolina had been her own worst advocate and was left alone at last in her threat of disunion.

In the few matters of foreign concern with which he had to deal in his first administration Jackson acted with prompt energy and success. Ever since the peace treaty of 1783 our ships had been shut out of the prosperous trade of the British West Indies by the Navigation Acts. Again and again (in the Jay Treaty of 1795, in the Treaty of Ghent, and in special conventions and diplomatic conversations) we had tried to get a relaxation of the laws which had led to a long course of quarrels, reprisals, tariff wars, and smuggling. John Quincy Adams was an unbending man, who, in spite of his long experience with European diplomatists, tried to force the British ministry to concede what he believed to be our just demands in the colonial trade. The courteous and insinuating Van Buren took another tack, even allowing our minister at London, Louis McLane, to

[1] It is a sad proof of the blindness which partisan zeal can cause, to read in Adams's diary for the day of the ceremony, "Myself an affectionate child of our alma mater, I would not be present to witness her disgrace in conferring her highest literary honors upon a barbarian who could not write a sentence of grammar and hardly could spell his name."

represent that the people of the United States had rebuked Adams's foreign policy by the election of Jackson. The result of McLane's negotiation was the simultaneous removal of tonnage duties by Great Britain and the United States, and the proclamation by Jackson, on October 5, 1830, of open trade with the West Indies for the first time in our national history. Jackson had the good fortune to prosecute his negotiations for admission to the trade of the West Indies just as Great Britain, under the lead of Huskisson, was breaking down the Navigation Acts.

The fortunes of European politics also favored Jackson in pressing the French for the settlement of claims for depredations on our commerce under the Napoleonic régime. The reactionary government of the Bourbon Restoration was little disposed to assume any responsibility for Bonaparte's acts, but the revolution of July, 1830, drove Charles X from his throne and replaced him with Louis Philippe, a liberal monarch of the Orleans family, under the restored tricolor. William C. Rives, our minister at Paris, concluded a treaty with the new government, July 4, 1831, by which the United States was to receive 25,000,000 francs in satisfaction of her claims, to pay counterclaims of 1,500,000 francs to France for alleged infringement of the Louisiana Purchase treaty, and to make a considerable reduction in the duties on French wines. The French government agreed to pay in six annual installments beginning one year after the ratification of the treaty.

Success abroad and at home, the overwhelming indorsement of the people at the polls, and the growth of the habit of the applauded exercise of power made Jackson more and more of an autocrat in his second term. Opposition developed on several issues from various quarters, until the anti-Jackson forces were numerous enough to form a new party to contest the election of his designated successor in 1836 and inflict on him a humiliating defeat in 1840. But on the fourth of March, 1833, the political sky was clear. We were at peace at home and abroad. The specter of disunion had been laid. Our trade was lively and our industries were prosperous. We were shortly to be, for the first

and only time in our national history, free from debt. To be sure, William Lloyd Garrison had begun the publication of *The Liberator* in his dingy printing-office in Boston, Nat Turner's negro followers had slaughtered more than three-score whites in the massacre of Southampton County, Virginia, and the first antislavery society had been organized in New England. But as yet the movement for emancipation was confined to a few "fanatical abolitionists." The cloud that was to gather with darkening menace until it should spread over the whole land and burst in the awful storm of civil war was still only the size of a man's hand.

While the political excitement over the Bank charter and nullification was stirring the land, transformations of great importance in the economic and social condition of the people at large were quietly going on. The impetus of the newly enfranchised democracy, growing ever more conscious of its power, was making itself felt in the reform of oppressions and inhumanities in many fields. The noisome dungeons and madhouses in which criminals were herded began to be replaced by "reformatories" and decent jails. Cruel punishments, like branding, flogging, and the cropping of ears, ceased. The death penalty, which was inflicted in some states for more than a score of crimes, was gradually restricted until it was applied quite generally only to murder and treason. The senseless custom of throwing men into prison for petty debts[1] began to be abandoned. Long and exhausting hours of labor on starvation wages, the exploitation of women and children in the factories and mills, the helplessness of the workingman in the hands of unprincipled and callous employers, the curse of intemperance, the debasing competition of prison labor with the products of free toil, the denial of educational opportunities to the children of the poor, were all the features of programs of ardent reformers of both sexes.

In the summer of 1829 the first locomotive engine in America appeared on a short coal road at the terminus of the Delaware

[1] There were nearly 3000 in debtors' prisons in 1830 who owed less than twenty dollars.

WM. LLOYD GARRISON

(Founder of the *Liberator* at Boston in 1831)

and Hudson Canal at Honesdale, Pennsylvania. A track built of wooden or stone rails had long been used for cars drawn by horses, and the stationary steam engine had been common in the later years of the eighteenth century; but the simple idea of combining the steam engine with the railway had to wait until far into the nineteenth century for its realization by the Englishman George Stephenson.[1] The first railroad of importance in America was the Baltimore and Ohio, over which Peter Cooper's steam locomotive drew a train of cars in August, 1830, taking the grades and curves satisfactorily at the average rate of 15 miles an hour. Less than two years later this road, equipped with 300 cars, was bringing hundreds of tons of granite, wood, and pig iron and thousands of barrels of flour every week from "the West" into the busy port of Baltimore. A mania for railroad-building spread through the land when once the practicability of the new method of transportation was assured. At the end of Jackson's first term there were 29 railroads under construction, with 1750 miles of track projected and nearly 400 miles actually laid. "Visionary" men began to talk of the possibility of traveling all the way from New York to St. Louis or New Orleans by rail.

But adventurous spirits were already pushing out far beyond any dream of the terminals of the iron road, beyond St. Louis and the Missouri to the vast region of Oregon, and beyond New Orleans and the Sabine to the wilderness of Texas. In that same month of April, 1830, when Jackson gave his famous toast at the Jefferson dinner and McDuffie on the floor of Congress was

[1] Some of the devices for locomotion in the earliest days of the railroad are very interesting. Cars were at first drawn by horses walking or trotting between the tracks. To prevent their wearing out the roadbed or stumbling over the ties, the horses were often put into the cars, which they propelled by the mechanism of a moving platform. The passengers sat on benches on both sides of the horse. Sometimes the cars were pulled up grades by cables attached to stationary engines. Even sail power was occasionally used on level stretches. The rails for the locomotives were at first wooden joists with strips of iron fastened on top of them, but the curling up of the iron strips caused so many accidents that the all-metal rail was soon introduced. For an amusing account of the inconveniences and annoyances of early railroad travel one should read the experience of our English visitor Harriet Martineau, in her "Society in America," Vol. II, pp. 7–13.

threatening the manufacturing states with desolation and ruin if they drove the South to separation, the first traders' train over the Oregon Trail left St. Louis with 81 men, 10 wagonloads of goods, and 12 head of cattle. In the same month, too, the government of Mexico passed a law for the suspension of grants of land to American colonists in the province of Texas. The missionary and the colonizer followed the trader over the Oregon Trail, while the frontiersman and the land speculator went to join the American pioneers in Texas—the Austins, Sam Houston, Davy Crockett, and James Bowie. The stage was being set for expansion in the next decade to the Rio Grande and the Pacific. In more senses than one the birth of our great democratic nation came in those wonderful years of the early thirties when Andrew Jackson was at the helm of state.

The Triumph of the Whigs

When President Jackson suddenly interrupted his festive visit to New England in the summer of 1833 in order that he might "return to Washington alive," he was already meditating the stroke of policy which was to precipitate the forces of opposition and finally to send his heir and successor, Van Buren, down to defeat in the election of 1840. The pages of our history are crowded with important events in those seven years which mark the culmination and decline of the Jacksonian era—with abolitionist agitation, industrial unrest, immigration problems, diplomatic quarrels, exploration and settlement of the Far West, negotiations with Texas and Mexico, wildcat banking, overspeculation in lands, canals, and railroads, prosperity and panic, surplus and deficit, the rise and triumph of a new political party. To some of these movements we shall revert when their influence on our national policy becomes acute. In this section we are concerned with the facts which led directly to the defeat of the Jackson-Van Buren Democracy.

The recharter of the Bank had been blocked by Jackson's veto of July, 1832, and the veto had been endorsed by the people at the polls the following November. Yet Jackson was not

satisfied. The "monster," as he called the Bank, was a danger in his eyes and a thorn in his flesh. Its charter had still four years to run, and its champions boasted confidently of renewing the fight. "Emperor Nicholas" Biddle had spent tens of thousands of the Bank's funds in the attempt to defeat Jackson in 1832. Would he not spend hundred of thousands to secure a Congress which would pass the next recharter bill over the President's veto! There were rumors that the immense power of the "monster" would be employed to derange the financial condition of the country and bring discredit and defeat to the administration. Already two events had occurred which had convinced Jackson of the unworthiness of the Bank to be intrusted any longer with the government deposits. The first was its postponement for three months, with the consent of the Secretary of the Treasury, of the payment of $6,000,000 of the 3 per cent government loan of 1792, which fell due in July, 1832, and the secret arrangement with Baring Brothers of London to carry the part of this debt (about $3,000,000) held by foreign creditors as a loan to the bank at 4 per cent interest for six months or a year longer. The second event was the presentation of a bill of $17,000 by the Bank to the government for damages for the protest of a draft by which our Secretary of the Treasury had tried to collect the first installment of the spoliation claims which the French government had agreed to pay in February, 1833.

Indignant that a corporation which was already profiting by the use of nearly $10,000,000 of public deposits should present a petty bill of damages to the government, Jackson determined to put an end once and for all to the "monster." He promoted one Secretary of the Treasury (McLane) to the State Department and summarily dismissed another (Duane) before he found in Roger B. Taney an agent willing to carry out his policy. On October 1, 1833, Taney, in pursuance of a clause in the Bank charter giving the Secretary of the Treasury the power to remove the government deposits provided he reported to Congress, when it met, his reasons therefor, ceased to deposit the government balances with the Bank of the United States.

In its place he used twenty-three state banks, called the "pet banks," whose soundness had been investigated during the summer by Amos Kendall, a member of Jackson's "kitchen cabinet." Taney did not immediately withdraw the balances in the great Bank, but the Treasury drafts upon it became heavier and heavier, until by March 1, 1834, less than a quarter of the $9,868,000 of the government balance remained.[1]

When the twenty-third Congress met in December, 1833, the battle was on. Henry Clay, the archenemy of the administration, led the attack by calling upon Jackson to submit to the Senate the paper which he had read to his cabinet advising the removal of the deposits. When the President indignantly refused to comply with the inquisitorial demand, Clay followed up the attack with two more resolutions, one to the effect that the reasons which Taney gave Congress for the removal were "unsatisfactory and insufficient" and the other censuring Jackson for having assumed powers in his handling of the Treasury Department "not granted to him by the Constitution and laws, and dangerous to the liberties of the people." The Senate refused to confirm Taney's appointment as Secretary and rejected the President's nomination of a minister to England and four government directors of the Bank. In rejecting the nominations and Taney's explanations the Senate was acting within its constitutional rights, but it had no right to pass a vote of censure on the president of the United States. That high official is responsible to the people for fidelity to his oath to support the Constitution and can be brought to judgment only by the people's representatives in the lower House of Congress through impeachment proceedings on specific charges. The only function that devolves upon the Senate in this connection is to act as a jury to pronounce the verdict in the trial. Jackson was the last man in the country to submit tamely to an invasion of his prerogative or to a censure of his conduct. He sent a vigor-

[1] Jackson also pocket-vetoed a bill of Clay's for the distribution of the proceeds of the public-land sales among the states (a sort of variant of internal improvements at national expense), which would have put some $20,000,000 into the hands of the states for roads, canals, education, and colonization.

ous "counterblast" to the Senate, which that body in turn refused to receive, as "insulting to its dignity and an attack on its privileges."[1]

While this unprecedented quarrel between the President and the Senate was coming to a head, the effect of the removal of the deposits on the Bank and the country at large was making itself felt. The Bank was of course obliged to call its loans and contract its discounts, to provide for such uncertain demands as the hostile Treasury Department might make upon it and to meet a possible "run" by private depositors who saw its credit shaken by the government's attack. This readjustment of the business of the great Bank inevitably threw into some confusion the whole credit system of the country. Money became tight, interest and discount rates rose, business grew fearful, enterprise was unduly contracted, and the labor market was disturbed. Clay drew a melancholy, exaggerated picture of the industrial condition of our "bleeding country" in a speech before the Senate in March, 1834, dramatically summoning the Vice President to repair to the White House and tell his chief the doleful tale of depreciation and stagnation, of bankruptcies and ruin, and entreat him "to pause and reflect that there is a point beyond which human endurance cannot go," before he should "drive this brave, generous, and patriotic people to madness and despair." To all of which Van Buren listened with amiable attention, and, when the harangue was over, left his chair and walked down the aisle of the Senate to ask the orator with bland politeness for a pinch of snuff! Webster retouched Clay's gloomy picture of the industrial condition of the country with a juster hand, but still the existence of "panicky" feeling in the spring and summer of 1834 was not to be denied. Petitions in great numbers came to Congress, and delegations waited on Jackson in the White House, begging for a return of the deposits to the Bank of the United States.

[1] Thomas H. Benton of Missouri, Jackson's champion in the Senate, fought a determined campaign of three years to get the resolution of censure expunged from the journals of the Senate, and finally succeeded, after an exciting debate mingled with hisses from the galleries, on January 16, 1837.

Arguments and remonstrances only confirmed the President in his position. If there was a panic, it was caused not by his removal of the deposits but by the Bank's policy of revenge for the removal. Did not Biddle himself say that if the charter were renewed the financial difficulties of the country would immediately cease? If such widespread ruin as Clay described was caused, as he alleged, by the interference with the Bank, it was the best possible argument for putting an end to so dangerously powerful a corporation. To the petitioners who came to the White House, Jackson replied testily: "We have no money here, gentlemen. Go to the monster, go to Nick Biddle. . . . He has millions of specie in his vaults lying idle. He is trying to crush the state banks and make me change my policy. . . . But I would rather undergo the tortures of ten Spanish Inquisitions than that the deposits should be restored or the monster rechartered." Finally, he declined to receive further delegations.

In striking down the one great "tyrant" of the National Bank, Jackson had raised up five hundred petty tyrants in the state banks. By removing the stabilizer of the currency he had encouraged confusion in the standards of paper issues. His remedy for the evil was drastic. He would substitute a metallic currency for paper. He urged the coinage of gold, and his supporters, chief among them "old bullion" Benton, conducted an amusing campaign to popularize the new coins, which were dubbed "Jackson's yellow boys" and "Benton's mint drops." Nearly $1,500,000 in gold coins was sent from the mint in the summer of 1834. Attempts were made to get the state legislature to forbid the issue of notes under $20. But it was like turning the hands back on the dial of time. To return to a metallic currency after the use of so convenient and transferable a medium as paper was like returning to rude barter after the introduction of money. Jackson only revealed his limitations in financial science when he indulged the hope of getting the banks to limit their issues of paper at the same moment that he was encouraging inflation by inviting competition among them for the government deposits.

Jackson's high-handed conduct in dealing with the Bank and the deposits caused serious disaffection among his followers and gave Clay, Adams, Webster, and other opponents of his policy at different points the opportunity to consolidate their forces into a new party. All the popularity that Jackson had gained in New England by his firm stand on nullification in 1832 was lost by his assault on the national credit in 1833. His own state of Tennessee, to the end of his life, never again gave its electoral vote to the presidential candidate of his preference. The material out of which the anti-Jackson party was built was very diverse. There were old National Republicans, like John Quincy Adams, who regretted the failure of the government to encourage internal improvements; staunch states'-rights men, like John Tyler, who resented Jackson's threat to coerce a sovereign state; financial interests injured by the derangement of the currency and banking-system; and "Native American" enthusiasts, who deplored the swelling number of Irish immigrants, enlisted generally under the Democratic banner. These disparate elements could not have been united on any political platform, but they found a common bond in their detestation of the "tyranny" of Andrew Jackson. The name which they adopted to signalize their opposition was "Whigs."

This name had never been entirely dropped from our political vocabulary since the days of the American Revolution.[1] Its revival in the spring of 1834 to designate a new party in several of the Northern states is thus described in an article in *Niles' Register*, of April 12: "In New York and Connecticut the name 'Whig' is now used by the opponents of the administration when speaking of themselves, and they call the Jackson men by the offensive name of 'Tories.'" A few months later the same journal notes: "As if by universal consent, all parties

[1] For example, there was a New York Whig Club, whose object, like that of the City Club today, was to encourage the interest of the citizens in good government. During the War of 1812, when the Federalists were suspected of British sympathies, the name of "Whig" was freely used in opposition to them. The suggestion of the name as an anti-Jackson slogan came from J. Watson Webb, the editor of the New York *Courier and Inquirer*.

opposed to the present administration call themselves 'Whigs.'" In the autumn elections of 1834 the Whigs, combining sometimes with the Antimasons and sometimes taking the title of "states'-rights men," made notable gains. They chose governors in Massachusetts and Indiana, state legislatures in Rhode Island, Ohio, Maryland, and Kentucky, and over 40 congressmen in half a dozen states. Outbreaks of mob violence were frequent at the polls, great numbers of immigrants and laborers newly admitted to the franchise being marshaled under their ringleaders to "rush" the elections against the property-holders, the educated, and the "Native Americans," who saw in the rising tide of demagogism the ruin of American ideals.

Before the Whigs had the opportunity to contest the supremacy of the Jacksonian Democracy in a national election, other important issues arose to vex the administration. Chief of these was the abolitionist agitation. William Lloyd Garrison had begun the publication of his *Liberator* at New Year's, 1831. In 1832 the New England Antislavery Society was formed, widening the next year into the American Antislavery Society. Moderate men in the North joined with the South in the effort to keep the dangerous subject of slavery out of national politics. They remembered the stormy debates of the Missouri Compromise: the angry defiance of the Kings and the Tallmadges, the threats of secession and civil war from the Cobbs and the Pinkneys. But the specter rose like Banquo's ghost and would not down. Occasional petitions for the abolition of slavery in the national District of Columbia had been sent to Congress by Quakers and abolitionists, but they had been referred to the little committee on the District and allowed to slumber. With the opening of the session of 1835, however, in which the new Whig congressmen were first represented, some of the Northern members began to debate the question. Slade of Vermont moved that an abolitionist petition be printed, and when the Southerners vehemently protested and called on Congress to disclaim the power of interfering with slavery in the District, Slade took up the challenge and delivered a fiery speech which revived the passions of 1820. He insisted that Congress had

full power over slavery in the national territory, and proceeded further to "declare relentless war" against the institution. Southern members, like Hammond, Jones, and Wise, interposed anxious remonstrances, and Calhoun in the Senate called the petitions "a foul slander on nearly one half the states of the Union." The mischief was afoot.

Meanwhile the activity of the abolitionist societies was provoking hostile reaction all through the South. The new American society collected $30,000 for propaganda, flooding the states below Mason and Dixon's line with magazines, pamphlets, and tracts—"Human Rights," *The Anti-slavery Record*, *The Emancipator*, "The Slave's Friend," and the like. On a midsummer night of 1835 citizens of Charleston broke into the post office, seized bundles of the offensive papers, and burned them on the Parade Ground amid the plaudits of a large and excited crowd. The postmaster at Charleston wrote to the postmaster at New York, whence the abolitionist material had come, begging him not to allow any more such documents to be forwarded to South Carolina; and the postmaster at New York reported the matter to the newly appointed Postmaster-General, Amos Kendall. Kendall's reply was equivocal: He could not exclude the abolitionist material from the mails, but he approved his subordinate's refusal to deliver it. "We owe an obligation to the laws," he wrote to the postmaster at Charleston, "but a higher one to the community in which we live." When Jackson upheld this extraordinary conduct in his cabinet officer, he incurred the condemnation of thousands in the North who had little sympathy with abolition. If the interests of slavery demanded the infraction of the law, they argued, it was time that those interests be curbed.

The agitation over the petitions to Congress tended to the same result. So long as the petitions were received and referred to the proper committee they were left to oblivion. But when the Speaker of the House, James K. Polk, of Tennessee, yielding to the general indignation of the Southern members, ruled that the constitutional *right* of petition did not oblige the House to *receive* a petition, he made the grave mistake of transferring

the question from the merits of abolition to the constitutional rights of American citizens. John Quincy Adams, who had shown no leanings toward the abolitionist cause, now took up the fight in behalf of the right of petition. A battle royal was waged on the floor of Congress during the spring months of 1836, resulting in the adoption of a set of resolutions introduced by Charles Pinckney of South Carolina, to the effect that Congress could not interfere with slavery in the states and should not interfere with it in the District of Columbia; that it was "important and desirable that the agitation on this subject be finally arrested"; and that "all petitions, memorials, propositions, or papers relating in any way to the subject of slavery . . . shall, without being printed or referred, be laid on the table, and that no further action whatever shall be had thereon." When the roll was called on this last resolution (the "Gag-rule"), John Quincy Adams answered, "I hold the resolution to be a direct violation of the Constitution of the United States, the rules of this House, and the rights of my constituents." From that moment the ablest statesman of the House of Representatives fought the battle of the abolitionists.

Professor Burgess, in his "Middle Period" of American history (p. 274), declares that "it would not be extravagant to say that the whole course of the internal history of the United States from 1836 to 1861 was determined more largely by the struggle in Congress over the abolitionist petitions and the use of the mails for the distribution of abolitionist literature than by anything else." That struggle welded the abolitionists into a political party, whose influence increased steadily in the national elections from 1840 on, and whose principles, in modified form, triumphed in the election of Abraham Lincoln twenty years later. It convinced the South that the abolitionists were bent on carrying the war against slavery into the states below the Mason and Dixon's line, and led those states to guard their society against possible black insurrections by passing severe laws against the assembling of negroes, their carrying of arms, their learning to read and write, or their having in their possession any abolitionist literature. It convinced the South-

ern leaders of the prime necessity of preserving their power in Congress by keeping the number of slave states at least equal to the number of free commonwealths; whence their desire for the annexation of new lands suitable for the extension of slave labor (Texas and Cuba) and their insistence that the great trans-Mississippi territory be kept free from antislavery restrictions. Finally, the attack of the abolitionists on slavery as a moral evil developed *pari passu* a defense of the institution as a useful social arrangement and a positive material and moral blessing for the negro. All the scruples of a Jefferson, a Randolph, or a Washington on the justice or humanity of the slave system were hushed, and a new generation was trained by the apologetics of Thomas Dew,[1] Calhoun, Hammond, and Wise to believe that the institution which they were eventually to defend in arms was indispensable to their civilization and sanctioned by the laws of God.

In spite of the abolitionist agitation, labor unrest, and growing political opposition, the country seemed to be extremely prosperous as Jackson's term approached its close. The national debt was completely extinguished at the beginning of the year 1835. The revenues from the compromise tariff of 1833 were ample. The sale of public lands, encouraged by the low government price of $1.25 an acre, with easy extension of credit and abundant issues of notes by the state banks, and stimulated by hopes of rapid development and huge profits in the exploitation of railroads and canals, rose from $4,887,000 in 1834 to $14,757,000 in 1835 and over $24,000,000 in 1836. At the opening of the last-named year the balance in the Treasury exceeded $32,000,000. There seemed to be no way of stopping the income, for the tariff was fixed by the compromise for half

[1] Thomas R. Dew, a professor of politics in William and Mary College, was the first to announce clearly the new spirit of the South. In 1832, as a result of Nat Turner's negro insurrection in Southampton County, Virginia, he published a treatise in which he maintained that the doctrine of the Declaration of Independence that all men are born "free and equal" was false, that the social and economic interests of the state of Virginia demanded that the negro be kept in bondage, and that such a condition was a blessing to the slaves themselves. His book was very influential in the South.

a dozen years to come, and the price of public lands could not be further lowered without prejudice to those who had already bought. Various schemes for the disposal of the surplus were brought forward,[1] and in the end Clay's long-cherished project of a distribution of the surplus among the states in the ratio of their population was passed by Congress and signed by Jackson on June 23, 1836. Under the Distribution Act about $18,000,000 was deposited with the states before the panic of 1837 came to change the surplus into a deficit.

The American people were living in a fool's paradise in the middle thirties, building air castles of fortune overnight. Land values were immensely inflated; hundreds of banks recklessly chartered by state legislatures were flooding the country with their unsecured notes. The states (especially the newer states of the West) were vying with one another in grandiose schemes for canals, railroads, and land improvements, incurring huge debts for public works which they fatuously believed would free them, with the rush of population, from the burdens of taxation. Indiana, still hardly more than a frontier community with less than half a million people, planned to expend $20,000,000 in the construction of canals and roads. Illinois, with a debt already on her hands and the state revenues still unequal to paying current expenses, rolled up a further debt of $35 a head for her population of 400,000 and threw good money after bad by sinking her whole allotment of the federal surplus in wild schemes of internal improvement.

The first shock to this fictitious prosperity came from President Jackson. On July 11, 1836, he ordered the Secretary of the Treasury to publish the Specie Circular, forbidding the land

[1] The most interesting of these propositions, in view of the future development of industry, was made by Felix Grundy of Tennessee, at the suggestion of President Jackson himself; namely, that the surplus be used to buy the "freedom of the railroads." As roads or sections of roads were completed, a sum fixed by law should be paid them by the government, in return for which the roads were to transport mail, troops, and property of the government free of charge. Such an arrangement would have been a long step in the direction of government ownership. The contract was to be perpetual, and the payments were to constitute a lien on the property and land of the roads.

agents and the deposit banks to receive anything but gold and silver after August 15 in payment for the sales of public land. Thus by a stroke of the pen the government deprived of their validity as national currency that vast mass of state bank notes which the deposit banks had been freely receiving in payment for public lands and reissuing as loans for the purchase of more lands—an endless chain. The deposit banks of the West began to call desperately on the East for specie to meet their obligations to the government, and at the same time shut down rigorously on their loans. The land sales virtually ceased. The "wildcat banks," without specie to redeem their discredited notes, collapsed.

Had the Specie Circular been issued six months earlier, the panic which followed would probably have come in time to sweep the administration out of office. But the campaign of 1836 was already far advanced, and the election took place before the effects of Jackson's fateful circular were fully felt. The National Democratic Convention, which met at Baltimore in May, 1835, had unanimously indorsed Jackson's candidate, Van Buren. The Whigs, not yet amalgamated into a party, held no convention and published no platform. They depended on the combination of votes given to various anti-Jackson candidates (Daniel Webster in New England, Hugh L. White in the South and Southwest, William H. Harrison in the Middle and Western States) to prevent Van Buren from getting a majority in the Electoral College, thus throwing the election into the House of Representatives. But although Van Buren had little to recommend him for the first office in the land, the influence of his great chief was powerful enough to carry him to victory, with 170 electoral votes against 124 for all his opponents combined. His popular majority, however, was but 25,000, as compared with Jackson's 157,000 in 1832.[1] After enjoying the peculiar satisfaction on inauguration day of seeing Van Buren, whom the

[1] Jackson's candidate for the vice presidency, Richard M. Johnson of Kentucky, failed by a single vote of getting a majority in the Electoral College. For the first and only time in our history the choice of a vice president then devolved upon the Senate, which immediately elected Johnson.

Senate had refused to confirm as minister to England, sworn into the presidency by Chief Justice Taney, whom the Senate had refused to confirm as Secretary of the Treasury, Jackson issued a farewell address to the people of America and departed from Washington for his plantation in Tennessee, leaving Van Buren pledged to "follow in the footsteps of my illustrious predecessor," but destined to walk a path strewn with thorns.

The new president was hardly installed in office before the country was in the throes of the worst panic in its history—the inevitable nemesis of overspeculation, inflation, reckless banking, and frenzied schemes of canal and railroad development. One misfortune pressed upon another's heel. A business depression in England cut down our exports sharply. The price of cotton fell from twenty to ten cents a pound, forcing some of our largest planters into bankruptcy. The British capitalists who had invested generously in American securities in the hour of our seeming great prosperity called on our banks for money just at the moment when they were beset with importunities for specie to satisfy the demands of Jackson's Circular and crippled by the withdrawal of government funds to pay the first installment of the distribution of the surplus. The strain was too great. In May the banks of New York suspended specie payment, and by the end of the summer there was not a single bank in the United States that met its obligations in gold and silver. Specie was hoarded. Interest rates rose to 3 per cent a month. Building-operations, industrial expansion, improvement schemes,—in short, every activity that depended on the extension of credit,—ceased. Thousands of men were thrown out of employment. By September, 1837, nine tenths of the factories of the Eastern states were closed. The cruelty of nature was added to the folly of man to make the disaster complete. In the summer and autumn of 1836 the Hessian fly ravaged the wheat fields of Pennsylvania, Delaware, Virginia, Tennessee, and Kentucky. The citizens of Louisville declared in a memorial to the Senate that their prosperity was "as completely marred as if a large invading army had passed through their country." Flour rose to $12 a barrel. The scanty

wages of the masses of laborers in our great cities were literally insufficient to buy them bread. The walls of New York were placarded with angry handbills: "Bread, Meat, Rent, Fuel—the prices must come down!" Starving mobs broke into the warehouses where the precious flour was stored and threw the barrels into the street.

The panic, of course, was not due to any one man or measure. However, the people at large, incompetent and impatient to seek the underlying causes of economic distress, threw the blame on Van Buren. And the Whigs were quick to exploit the misfortune for the discredit of the Democratic administration: the trouble was all due to Jackson's crimes and blunders—his defeat of the Bank charter, his removal of the deposits, his crusade against paper money, his Specie Circular. In the widespread popular distress the Whigs had their best campaign material. They carried several important states in the elections of 1838, including New York, where the brilliant young William H. Seward won the governorship over Marcy and the "Albany Regency."

Meanwhile Van Buren had called Congress in extra session for the first Monday in September, 1837, to relieve the embarrassed condition of the Treasury and restore financial confidence in the country. The distribution of the installment of the surplus due in October was postponed until 1839.[1] Treasury notes to the amount of $10,000,000 were issued to meet the government expenses. The Whigs demanded the reëstablishment of the National Bank and the repeal of the Specie Circular, but Van Buren remained firm in his adhesion to Jackson's policies. The scheme of depositing the government balances in the "pet banks" having signally failed, the President devised a new plan, which divorced the government finances completely from any banking system. This was the Independent Treasury, commonly called the Subtreasury, plan, by which the public

[1] When the year 1839 arrived, the government had a deficit and not a surplus; so the Distribution Bill lapsed, after about $28,000,000 had been deposited with the states. The money was never recalled, although it continued to stand on the Treasury books as funds of the United States.

funds were to remain in the hands of government custodians—postmasters, directors of mints, collectors of customs—until called for. Van Buren labored for two years with refractory elements in Congress to get the Independent Treasury bill passed. The Whigs, who saw in it the doom of their hopes for a National Bank, and conservative Eastern Democrats, who believed that the government should help the banks out of their difficulty instead of abandoning them in the hour of their need, combined to block the measure in the House. On the other hand, Calhoun, to the amazement of his colleagues in the Senate, brought the immense weight of his influence in the South to the support of the administration (expecting in return Van Buren's favor for the annexation of slave territory in Texas). Jackson wrote an open letter from the Hermitage commending the new plan. The bill was finally passed, June 30, 1840. It provided for the establishment of subtreasuries in important cities of the country (Boston, New York, Philadelphia, St. Louis, New Orleans), where the public moneys were to be kept in vaults.[1]

The financial situation was the absorbing question of Van Buren's term. It furnished the Whigs the chief rallying point for opposition to the administration and for the consolidation of their party. Still, there were other subjects of importance with which Van Buren had to deal. In November, 1837, a serious revolt against English rule broke out in Canada. The insurgents appealed to the Americans along the border to help them, holding out offers of annexation to the United States if the revolution proved successful. The memory of our two wars with England had left a heritage of hostility toward the "mother country," which was increased by the large Irish immigration. Meetings were held in Burlington, St. Albans, Rochester, Buffalo, and many other towns near

[1] The momentary triumph of the Whigs in the election of 1840 led to the repeal of the Independent Treasury Act; but it was repassed in 1846, after the Democrats had regained control, and it remained in force until the Civil War, when our government, under the stress of enormous expenses, was obliged again to have recourse to the powerful banking interests of the country.

the Canadian border, at which resolutions of sympathy with the insurgents were adopted, money was raised, and food, clothing and ammunition were collected. Volunteer companies even were enlisted. Van Buren's Secretary of State, John Forsythe, warned the governors of the two border states to enforce a strict neutrality, but the recruiting still went on. Several hundred Americans joined the banners of the rebel leader Mackenzie at Navy Island in the Niagara River. A small American vessel, the *Caroline*, was used to transport men and supplies to the insurgents. In the darkness of the night of December 29, 1837, a detachment of English soldiers rowed to the *Caroline* as she was moored to her dock on the American side of the river, drove the men off her decks, with several killed and wounded, and sent her drifting ablaze over the falls. The whole border was instantly roused to reprisals. Expeditions for the invasion of Canada were launched from Detroit and Ogdensburg. The President sent General Scott to the scene of the disorders, with a message to the governors of Vermont and New York to call out the militia, both to restrain the hot-heads and to protect American soil. The excitement died down with the defeat of the insurgents. Conciliatory diplomacy prevented a breach with England. But the enemies of Van Buren charged him with cowardice and truckling to Great Britain in allowing the "murder" of American citizens on American soil.

During the whole of the administration, Congress and the country were increasingly disturbed by the abolitionist agitation. The President had declared himself in his inaugural address "the inflexible and uncompromising opponent of every attempt in Congress to abolish slavery in the District of Columbia against the wishes of the slaveholding states." But all to no avail. Petitions were multiplied, the gag-rule was reënacted, John Quincy Adams repeated his defiance, the debates in the House and Senate grew angrier. Lawless bands sacked and burned negro quarters in the cities, lynchings increased, and Elijah Lovejoy was shot down in Alton, Illinois, while defending his abolitionist press against the rioters. The movement for the annexation of Texas (which we shall describe in

the next chapter) gave a great impetus to the abolitionist cause. Resolutions against annexation were passed by the legislatures of state after state in the North. The antislavery congressmen made the issue the topic for scathing denunciations of the institution, which provoked angry replies from the South.

Abolitionism was no doctrine of the Whigs. Clay and Webster professed as much horror of it as Calhoun and Benton. Yet there is no doubt that the antislavery sentiment in the North of which abolitionism was the militant advance guard, found a growing measure of sympathy in the Whig party. The Democrats, especially after Calhoun came to the support of the administration, tended more and more to become the party of the South. It took several years, to be sure, for the demands of the slave interests to wear down all other issues in the South and eliminate the Whig party there, but the tendency is already to be detected in the slavery debates of Van Buren's Congresses. One has only to compare the resolutions offered in the Senate by Calhoun and Clay on the subject of the petitions in 1837. Calhoun declared that the fanaticism of the North must be crushed "without temporizing or conciliation," else it would destroy the Union. Domestic slavery was an institution of the South, recognized by the Constitution, and "no change of feeling on the part of the other states could justify them or their citizens in open and systematic attacks thereon with a view to its overthrow, or in denying to the South the advantage which would accrue to her from the annexation of new states or territory on the ground that the institution of slavery which would be extended into them was sinful or immoral." Clay, on the other hand, professed that he had no such gloomy fears for the endurance of the Union. The best way to check the fanaticism of the abolitionists was to continue to receive their petitions and refer them to the proper committee, where they would die a natural death. Clay offered counter resolutions to Calhoun's, condemning interference with slavery, but still pledging the Senate "to receive and respectfully treat any petitions, couched in decorous language, presented by citizens of the United States, touching slavery in the District of

Columbia." As to the territory of Florida (the only one in which slavery existed at the time), he regarded the abolition of slavery there as "highly inexpedient," because, among other reasons, "the people of the territory had not asked for abolition," and, when the territory should be admitted as a state into the Union, "the people would be entitled to decide that question for themselves." Clay did not refer to Texas in his resolutions. As between the militant and uncompromising language of Calhoun and the provisos and loopholes in Clay's resolutions, it is not hard to see where the antislavery men would find the more comfort.

The chief point on which the Whig leaders waged their four years' campaign against the Jackson-Van Buren Democracy was the financial and industrial disorder which they claimed had been brought upon the country by the incompetency and arrogance of the administration. Adams protested against the "crimes" of ignorant and corrupt officials in all departments of the government; Webster thundered against the cowardice and demagogism of the party in power, in abandoning the solid business and banking interests of the country; Clay toured the Eastern states, thanking God that he "had been spared to help in undoing the work of Andrew Jackson." A national Whig convention met at Harrisburg, Pennsylvania, early in December, 1839. Henry Clay was by far the most prominent man in the party, its founder and creator. He was also the personal choice of the great majority of the delegates. But Clay was a Freemason, a slaveholder, and a high protectionist. On each of these counts he would have lost votes. His very prominence was a bar to his availability. Former Jackson men might be detached from Van Buren, but they would never support the old hero's archenemy. To Clay's bitter disappointment, and somewhat to his disgust, the convention nominated William H. Harrison, the hero of Tippecanoe, who had polled 73 votes in the election of 1836 and could show a creditable record of nearly fifty years of public service as a soldier on the northwest border, governor of the Northwest Territory, representative and senator in the national Congress, and our first minister to the Republic

of Columbia. John Tyler of Virginia was named for vice president, simply to gain votes for the ticket in the South—for Tyler was a states'-rights man, an anti-Bank man, and a low-tariff man, whose only bond of sympathy with the Whigs was hatred for Andrew Jackson. The convention published no platform, for the heterogeneous elements composing the party could unite on no common purpose beyond the cry, "Down with Van Buren!" Harrison was known, however, to be a believer in banks, a credit system, paper currency, and reform of the civil service. Campaign orators like Clay, Webster, Corwin, Crittenden, Wise, and Prentiss gave the voters of the different sections of the country to understand that if the Whig party should be successful at the polls it would mean the satisfaction of the particular interests and desires of the audience they were addressing.

A friend of Clay's was overheard by the correspondent of a Democratic paper in Baltimore to express his disappointment at Harrison's nomination by the sneer: "Give him a barrel of hard cider, settle a pension of $2000 a year on him, and, my word for it, he will sit for the remainder of his days in his log cabin by the side of a sea-coal fire, studying moral philosophy." The paper published the remark as a campaign document against the Whigs, but it proved to be a boomerang. The Whigs seized upon this testimony to the simple tastes and virtuous poverty of their candidate (though, as a matter of fact, Harrison lived in very comfortable circumstances on a 2000-acre farm on the banks of the Ohio). They adopted the log cabin and cider barrel as emblems of the campaign. Their candidate was the unspoiled son of the soil, the Cincinnatus who had left his plow to take the sword and had laid down the victorious sword to take the plow again. He represented the homely republican virtues of a true American, while Van Buren, installed in his luxurious "bachelor" quarters in the White House, ate his dainty French fare off golden plates and drank costly wines out of silver goblets, callous to the sufferings which his ignorance and the corruption of his officials were bringing on the country.

The Whig campaign was a continuous festival of oratory, pageant, song, and shouting, in which the sober remonstrances of the Democrats and their appeals to argue the merits of the Bank, the currency, states' rights, and taxation were drowned. Log cabins were erected for Whig headquarters, with the coonskin nailed to the wall and the latchstring hung out. Mass meetings were gathered around the cider barrel. Huge balls were rolled through the steeets from town to town by hundreds of men and boys shouting the songs of "Tippecanoe and Tyler too" and "Van, Van, is a used-up man." Never before nor since was there such a campaign of vociferation. The Democrats, as one of their papers scornfully remarked, "were sung down, lied down, drunk down." Nearly double the number of the voters of the previous election were brought out to the polls, and, when the balloting was over, Harrison had carried all but seven states of the Union. His electoral vote was 234 to 60 for Van Buren. The Whigs got control of both Houses of Congress. In the excitement of the campaign the appearance of a new political party, which polled 7000 votes, passed almost unnoticed. But the Liberty party, which was quietly launched by delegates from six states meeting at Albany on the first of April, 1840, was destined to grow through a score of years into the mighty force which shattered the Whig party into fragments and sent the Democrats down to a long defeat.

The Whig triumph of 1840 marks the end of the Jacksonian era. That era had been ushered in by the overwhelming victory of a soldier hero, a representative of the great new West, standing as the champion of the people against the usurpation of their power by an aristocratic government at Washington indifferent to their needs and impervious to their demands. It was ended by exactly another such victory. And had the Whigs been destined to enjoy a dozen years of unbroken supremacy, it is likely that they too would have been confronted at the end of that period by a new and clamorous "democratic" movement protesting against the stagnation and corruption of our government. For it is in the nature of a young and vigorous democracy to engender demands for the reform and readjustment

of governmental machinery more rapidly than any actually working machinery can meet those demands. The Jacksonian era, roughly corresponding to the fourth decade of the last century, was perhaps the period of all our history most fruitful in democratic innovations, with its enlargement of the suffrage, its extension of elective offices, its revised state constitutions, its national nominating conventions, its organization of labor, its popular discussion—on the lyceum platform, in the pulpit, and especially in the multiplying sheets of a cheap press—of such burning issues of the day as abolition, immigration, the annexation of Texas, and the settlement of Oregon. It was the era of the introduction of steam locomotion and of humanitarian reform in debtors' laws and the keeping of jails and asylums, in the curricula of the schools, in the encouragement of temperance, and in a hundred other matters to which economic and social histories of the period would give a more extended notice than is possible for this more strictly political narrative to do.

Andrew Jackson incarnated the spirit of the new democracy. He personified and dominated the developing political forces of the fourth decade of the century, as Thomas Jefferson had dominated and personified those of the first decade. Paradoxical as it may seem, it is nevertheless true that Jackson himself contributed more than any other man to the overthrow of the Jacksonian democracy. For he taught the masses of the people to hold their governors subject to their will, and educated them to view as reactionary any régime that tended to separate itself from the censure of public opinion or paused in the cultivation of popular approbation. He saw the Whig leaders seize the very weapons in their campaign against Van Buren which he himself had used in his campaign against John Quincy Adams a dozen years earlier. The rolling log cabins and the cider barrels, the mass meetings and the boisterous songs, must have been pathetically reminiscent of hickory poles and stamped waistcoats and huzzas for New Orleans and Pensacola to the old hero, now well past his threescore and ten years, who was following the fortunes of his party with undiminished interest from his retreat at the Hermitage.

CHAPTER VIII

THE ADVANCE TO THE PACIFIC

Our confederacy must be viewed as the nest from which all America north and south is to be peopled.—THOMAS JEFFERSON

TYLER AND TEXAS

The rejoicing of the Whigs was soon turned to mourning. A few weeks after the old hero of Tippecanoe had spoken his inaugural address before the enthusiastic crowd gathered at the eastern front of the Capitol, his body was lying in state beneath its majestic dome. How far Harrison would have succeeded, had he lived, in controlling and guiding the Whigs is a matter of conjecture. He was not, like Jackson in 1828 and Jefferson in 1800, the acknowledged leader and builder of the party which had won the nation's indorsement at the polls. Both Clay and Webster towered far above him, and although they yielded him the place at the head of the ticket as the most "available" candidate, they made slight concealment of their opinion of his "mediocrity." They meant to use the old general as the imposing figurehead at the bow of the ship of state, while they themselves manned the bridge and piped the crew. Clay declined a place in the cabinet, preferring to direct the administration from his seat in the Senate; but a full half of the cabinet offices were filled with men of his recommendation—Ewing (Treasury), Badger (Navy), and Crittenden (Attorney-General). Webster, given the choice of positions after Clay's declination, took the portfolio of State, and brought his follower Francis Granger into the cabinet as Postmaster-General. The President appears to have been allowed to select his Secretary of War (James K. Bell) without the interference of the giants. Clay had decided in party caucus some time before the inauguration that the new Whig Congress must be called in extra

session to bring the blessings of the victory of 1840 to the country without delay, and Harrison had duly issued the call for the session to meet on May 31, 1841. The Whig leaders had refused to let Harrison open his mouth as candidate. They would now run the government for him, as they had run the campaign—successfully, if he would only remain in the background.

Harrison's death in no wise changed the plans of the Whig leaders, nor did the accession of Vice President Tyler seem at first to bode any ill to those plans. In an address to the people, published immediately after Harrison's funeral, Tyler spoke hopefully of the reforms to be introduced and modestly of his own readiness to follow Congress in any constitutional measures. His message at the opening of the extra session of Congress (June 1) was almost deferential in its recognition of the right of the representatives fresh from their constituents to inaugurate the needed reforms for the relief of the Treasury and the improvement of the currency. His remarks on "a necessary financial agent" for dealing with the public funds were interpreted by Benton as so unmistakably a recommendation for the reëstablishment of the National Bank that the old Jacksonian forthwith began an attack on the President in the Senate. "The people, simple folk," says Schouler, "imagined that Tyler would follow Harrison's plans with the same sad reverence with which he had followed his hearse."

The plans, however, were not Harrison's but Clay's. On June 7 Clay introduced into the Senate an elaborate program consisting of six resolutions, which were nothing less than the whole plan and policy of the Whig administration. They were in reality the platform of the party, which the leaders had not dared to publish before the election, but which they expected now, with their president in the White House and with a majority in both branches of Congress, to pass without difficulty. That it was the president's constitutional privilege to recommend legislation to Congress seems not to have troubled the senator from Kentucky. What the president's part was to be in this administration we have already seen. The days of

executive domination were over. The good old Whig doctrine of the rule of the enlightened aristocracy was to take the place of the Jacksonian demagogism of "Democracy," which affected to rest its absolute and arbitrary acts on the will of the whole people.

Clay's resolutions contained three main projects: first, the reëstablishment of a National Bank, with the preliminary step of the abolition of the Independent Treasury system; secondly, the revision of the tariff to yield an adequate revenue; and, thirdly, the allotment to the several states of the proceeds of the sale of the public lands within their borders. These resolutions were virtually the revival of the old National Republican policy of the Adams-Clay days; namely, National Bank, protective tariff, and internal improvements. It is true that the last two objects were not mentioned in Clay's resolutions, but one can see how skillfully they are included in his demands. For if the tariff were raised high enough to provide an "adequate revenue" at the same time that the only other great item of revenue, the public-lands sales, was made over to the states, then the tariff would be high enough to be protective. And if the government gave the states the proceeds of the public-lands sales to spend on their own internal improvements, it would come to the same thing as the government's spending the money itself. In either case it would be national money devoted to local improvements.

At first all went well. The bill for the abolition of the Independent Treasury was passed and promptly signed by the President. Then came the crucial measure of the Congress—the reëstablishment of the Bank. It was known that Tyler was a strong states'-rights man and that some care would have to be taken to draft a bill which would meet with his approval. The point on which Tyler was insistent was the necessity of gaining the consent of the states for establishing branches within their borders. The House was apparently willing to yield this point, but Clay swept it aside in the Senate. A National Bank would not be "national," he maintained, if it had to ask the consent of the states anywhere to do business. The question of its constitutionality had been settled once for

all by Marshall's great decision, and the people had reversed their condemnation of the Bank in the election of 1832 by this new election of 1840. John Tyler could do no better than follow his illustrious fellow Virginian, James Madison, whom he professed to reverence, and sign the bill for the Bank's charter. The utmost that Clay would concede was the power of a state to prevent the establishment of a branch by an express act of its legislature.

The Bank bill was passed by votes of 128 to 97 in the House and 26 to 23 in the Senate and was sent to the President on August 6. Tyler kept the bill until the last moment of the ten days allowed him for deliberation, and then returned it with his veto. The narrowness of the Whig majority in the Senate made the passage of the bill over his veto impossible. Another attempt was made to frame a bill which would meet with the executive's approval. Two leading Whig congressmen conferred with Secretaries Webster and Ewing in preparing the new bill, which, according to Ewing's testimony, fulfilled the conditions which Tyler demanded. Even the name "Bank" was not used. The new institution was to be called a "fiscal corporation," and the "agencies" (not "branches") in the states were to be deprived of their banking-functions of loan and discount. Yet to the amazement and disgust of the Whig leaders Tyler vetoed this second bill also (September 9).

It was evident that Tyler would have no National Bank of any kind. At Clay's behest Crittenden, Ewing, Badger, and Bell immediately resigned from the cabinet, and Granger soon followed, leaving only Daniel Webster of the original Harrison appointees. The extra session, which had begun with such promise in June, ended disastrously in September. The chief measure of the Whigs had been defeated by this "president by accident," this Virginian of states'-rights convictions, whom they had had no more intention of putting in the White House than they had of putting on the throne of China. The breach between the executive and Congress was complete, and Tyler controlled the situation through the veto which the Whigs had not enough majority to override. With exasperating equanimity

Tyler proceeded to fill up his cabinet (not with Clay men this time) and was ready for the resumption of hostilities at the opening of the regular session of Congress. The country was sadly in need of revenue—the issue of several millions of short-time notes had been necessary to meet the bare expenses of government. The sudden reduction of the tariff which would come on January 1, 1842, according to the scale arranged by the compromise of 1833, would leave the country facing a huge deficit. Those reductions had been arranged nearly a decade back and had failed to take account of the growth of the country and the consequent increase in the expenses of the government. Tyler urged Congress to make the necessary provision by increasing the tariff rates, but he refused to sign any bill that did not provide for the stoppage of the distribution of the sales from the public lands as soon as the tariff should have passed the 20 per cent mark. In other words, he would not allow the tariff to provide a surplus for internal improvement. As the tariff did not drop below 20 per cent at all, Clay's pet scheme was killed.

The Whigs had no alternative but to adopt the kind of tariff bill Tyler would sign or let the country suffer. After the President had vetoed two tariff bills and drawn upon himself the threat of impeachment, the protesting members yielded to the crying need of the Treasury. On August 30, 1842, the House passed the bill containing the suspension of the distribution of the land sales. John Tyler had ruined the plans of the Whigs and brought the victory of 1840 to naught. He was read out of the Whig party as a "traitor" and burned in effigy by the crowds that had shouted themselves hoarse for him two years before. In a pathetic scene Henry Clay resigned his seat in the Senate (March 31), to devote himself, as his great rival Jackson had done eighteen years before, to saving among the people the principles which were defeated at the seat of government.

Tyler has been severely censured by our historians generally for turning against a party which had elected him, and has been charged with the meanest of motives—vanity, jealousy, and spite. He was filled with an overweening ambition, say his

critics, to displace Clay and Webster, over whom Harrison's providential removal had given him the whip hand, and, relying on a coterie of Virginia friends who "led him by the nose," to build up a Tyler party devoted to the restoration of Virginia's influence in our national councils and to the extension of slavery in the West. On the other hand, his son, Professor Lyon G. Tyler, produced in the "Letters and Times of the Tylers" (three volumes) an elaborate apology to prove that all the public acts of the President were prompted by the same lofty standards of gentlemanly honor that were acknowledged in his private life. Tyler was known to be a states'-rights man and an anti-Bank man. He was put on the Whig ticket with the hope (vain, as it proved) of carrying the state of Virginia. The Whig managers cared little about Tyler's views on the Bank, because they believed that as vice president he would have nothing to say about the Bank or, indeed, about any matter of public policy. As the Whigs published no platform, their candidates were bound by no promises. Naturally, the support of the head of the ticket for the program of Clay and Webster was guaranteed, but was Tyler, "who cared for none of these things," bound to be converted to them by the mere fact of Harrison's death? A man cannot be a "traitor" to principles which he has never accepted nor an "apostate" to a creed which he has never professed.

But to acquit Tyler of the charge of broken faith is by no means to excuse him for his vanity, sophistry, and obstinacy. After all, he allowed himself to be put forward on the Whig ticket, knowing that, platform or no platform, the party led by Henry Clay, if successful, would renew the nationalist doctrines of 1824. If his conscience would not let him sign the Bank bill, even after it had been so amended as to lead several members of his cabinet to give their written testimony that it was satisfactory to him, he need not for that have wrecked the party. By holding either of the bills for ten days he could have let it become law without his signature, deferring to the Whig majority in Congress. No man had more bitterly attacked Andrew Jackson's executive tyranny in the veto of bills, and yet he followed

in Jackson's footsteps. Clay's keen probe went probably to the right spot when he accused Tyler of listening to the flattery of his "corporal's guard" of Virginia friends (Wise, Gilmer, Upshur, Tucker, Rives), who encouraged him in the belief that he was a national leader when they were really using him only as a sectional agent for the furtherance of states' rights and slavery. Even the voluminous work of filial piety undertaken by his son fails to show the President as more than an average gentleman of fine breeding, with something of the pertinacity of cunning of the politician in him but little of the strength and vision of the statesman.

We have seen that Webster alone remained in Tyler's cabinet after the close of the extra session. Among the many motives that may have urged him to stay (ambition to retain office, belief that he could direct the policy of the administration, unwillingness to be classed with Clay's "underlings") the Massachusetts statesman confessed only this: that there were important negotiations with Great Britain pending and that he could not desert the administration in such a crisis. This reason, if not exhaustive, was certainly sufficient. Our relations with England were strained almost to the breaking-point in 1841. British cruisers were stopping American ships off the coast of Africa and exercising the hated right of search to guard against the slave trade. The *Caroline* affair was not only not settled but it was greatly exaggerated by the threat of New York State to hang a certain Alexander McLeod, a British citizen who came across the border boasting that it was he who had killed the American on board the *Caroline*. The lumbermen of Maine and New Brunswick, disputing over the boundary line, had actually precipitated a little war (the Aroostook War), which had ended in a truce, leaving the boundary line still to be adjusted. In the Far Northwest the Oregon region, which had been shared in joint occupation by the United States and Great Britain according to the treaty of 1818 (renewed in 1827), began now to be a bone of contention between the two powers. The English resented the growing interest of American explorers and missionaries in the region, while the Americans complained of the

steady encroachments of the Hudson's Bay Company on the southern portion of Oregon, the valley of the Columbia, which naturally formed the American "sphere of influence."

The South had its grievance, too, against Great Britain. The brig *Creole* sailed from Hampton Roads to New Orleans in October, 1841, with a cargo of one hundred and thirty-eight slaves. The slaves mutinied, killed their owner, overpowered the captain and mate, and compelled the crew to land them on the British island of Nassau, where most of them were set at liberty by the authorities. Our government demanded their return, but the British maintained, in common with the hated abolitionists, that once outside the limits of the jurisdiction of a state whose municipal law sanctioned slavery the negroes were free men. Slavery had no international standing.

Finally, a number of states, Mississippi in the lead, hard hit by the panic of Van Buren's administration, were actually repudiating or threatening to repudiate their debts incurred in the era of overspeculation which we have studied in connection with the Jacksonian period. English capitalists had invested heavily in these state securities and were now demanding that the national government underwrite the state debts.[1] This accumulation of grievances at the beginning of Tyler's administration made peace with Great Britain more difficult to preserve than at any other time between the Treaty of Ghent and the famous *Trent* affair in our Civil War. A spirited report from the House Committee on Foreign Relations declared that we would maintain our just rights in the face of any nation of the earth. Lewis Cass, our minister to France, wrote that the English colony in Paris was eager for war with the United States. Measures were actually taken by the British cabinet for the dispatch of regiments and warships to Halifax.

At this juncture Daniel Webster performed a great service for his country. A fortunate change in English politics in 1841 brought Robert Peel to the premiership in the place of Lord

[1] John Quincy Adams advised that the federal government assume the repudiated debt of Mississippi and eject the state from the Union. There were worse things for many a Northern statesman in 1840 than the disruption of the Union!

Melbourne, and Lord Aberdeen to the Foreign Office in the place of Lord Palmerston. Peel and Aberdeen were conciliatory. They sent to Washington, in the person of Lord Ashburton, a fair and courteous envoy, who knew and liked America. The negotiations between Webster and Ashburton in the summer of 1842 proceeded smoothly and rapidly, with the President's willing aid at every point. Although the Oregon question was not debated and the *Creole* case was postponed to drag its weary settlement through a decade, all the other points of difficulty were solved. For the attack on the *Caroline* (McLeod being already acquitted) Webster accepted Ashburton's apology that "no slight to the authority of the United States was ever intended." The two nations agreed to a cruising-convention, by which each should keep its patrolling squadron on the African slave coast, to act together if occasion arose. The urgent question of the Maine-New Brunswick boundary was settled by a compromise line which gave about 7000 of the 12,000 square miles of disputed territory to the United States. Lord Ashburton promised that there should be no "officious interference with American vessels driven by accident or violence" into the ports of the West Indies and took no exception to Webster's declaration that the flag of every regularly documented American merchantman should protect its crew. No one of our former major treaties with Great Britain (1783, 1795, 1814) had cleared the air so thoroughly as the Webster-Ashburton Treaty.[1] Had it not been for the insistent demands of the ex-

[1] An amusing incident of the treaty was the so-called "battle of the maps." Webster had in his possession a map discovered by Jared Sparks in the archives of the Department of Foreign Affairs at Paris, supposed to have been the one used by Franklin and Vergennes in the peace negotiations of 1782. On it a red line marked the boundary, giving to Canada an even larger share of the disputed territory than Great Britain claimed in 1842. Webster naturally did not exhibit the "red-line map" in his parley with Ashburton, but used it secretly to persuade Maine and Massachusetts of the excellence of the bargain he was making. On the other hand, Ashburton was probably acquainted with the Mitchell map, used in the negotiations of the British in 1783, on which the boundary line was as favorable to the United States as that of the "red-line map" was to Canada. So each commissioner could persuade himself that he was getting the better of the bargain.

pansionists for Texas and Oregon, our troubles with the mother country would seem to have come to an end.

The most absorbing issue of Tyler's administration, and one of the most fateful issues in all our history, was the annexation of Texas. Whatever claims we may have had to Texas as part of the Louisiana Purchase territory in 1803 were surrendered by the treaty of 1819 with Spain, which fixed the southwestern boundary of the United States at the Sabine River. Two years later Mexico (of which Texas was a province) threw off its allegiance to Spain in the general revolt of the South and Central American colonies. The new republic of Mexico was at first very favorable to immigration from the United States into Texas and granted large tracts of land on easy terms. It even excepted Texas from the operation of the decree of 1829, which abolished slavery in Mexico. But the very next year a sudden reversal of policy, which aimed at expelling the foreigners from Texas, led to an uprising in which the Americans joined the native "Liberals" in ejecting the Mexican troops from the province. A wily adventurer named Santa Anna took advantage of the Liberal revolt to get control of the government in Mexico and then threw off his disguise and whipped the province with scorpions where his predecessors had used rods. Texas was deprived of her government and made a mere military department in the province of Coahuila. The inhabitants of Texas, of whom about 75 per cent were American immigrants, had no intention of yielding to such tyranny. They organized a temporary government, declared their independence of Mexico on March 2, 1836, and on April 21, under the command of Sam Houston of Tennessee, completely defeated the invading Mexican army at the battle of San Jacinto and took its general, Santa Anna, prisoner. The connection between Mexico and Texas was forever severed.

Then began the campaign for the annexation of Texas to the United States, urged by Houston (who had been elected president of the Texan republic) and approved by the almost unanimous opinion of the citizens of Texas, but denounced by Mexico as a cause of war against the United States. For, in

spite of the fact that she was impotent to recover her authority over the revolted province, Mexico steadily refused to recognize the independence of Texas. President Jackson was heartily in favor of the annexation of Texas. He had made two attempts (1829, 1835) to purchase the province from Mexico, raising John Quincy Adams's offer of $1,000,000 in 1827 to $5,000,000 and even urging, in the proposition of 1835, that Mexico relinquish the land between the parallels of 37° and 42° north latitude from the Rio Grande to the Pacific.[1] Furthermore, Jackson was little disturbed by delicate scruples in his methods of acquiring desirable territory for the United States, as had been proved by his conduct in Florida. But now, in spite of the overwhelming sentiment of the Texans in favor of annexation and in spite of the vote of both Houses of Congress to recognize the independence of Texas when she should have shown herself fit to maintain her government, Jackson hung back. The alleged reason was that the annexation of Texas would bring on a war with Mexico, but the fear of injuring the chances of his candidate Van Buren in the approaching election may have been the more cogent reason. The abolitionist agitation over the rejection of the antislavery petitions by Congress and the exclusion of the antislavery literature from the mails was at its height (p. 388). Van Buren needed the Northern votes to win, and until the election was over, Jackson confined himself to harmless negotiations with Mexico. In the spring of 1837, however, he recognized the independence of Texas and heightened his tone in dealing with Mexico.

Van Buren, however, was little interested in expansion and not at all in slavery. He would have had no inclination to favor the annexation policy, even if the storm raised by the panic of 1837 had not occupied the administration with financial problems. Instead of listening to the overtures of the Texan envoy

[1] It was asserted by Jackson's enemies that the failure of the proposition of 1835 caused Jackson to give encouragement to Houston to secure the separation of Texas from Mexico by arms. There is some color given to the charge by the fact that Houston, after a visit to the White House, boasted that Texas would be independent and that he should be its first president. But this is slim evidence on which to condemn Jackson.

at Washington, Van Buren preferred to negotiate a convention with Mexico for the settlement of our claims against her.[1] Interest in the annexation project waned both in the United States and in Texas. The activities of the American Antislavery Society, the insistence of the Northern press that we had "territory enough, bad morals enough, public debt enough" already, the petitions to Congress (which were "measured by the cubic feet"), the three weeks' speech of John Quincy Adams against annexation (in the closing session of 1838), seemed to have put the quietus on the measure. The new president of Texas (Lamar) in his inaugural address of December, 1838, advocated a free and independent Texas. The British minister at Mexico City spoke of the annexation project as "dead." It was evident that the friends of annexation would have to wait until the wheel of political fortune brought round a favorable moment.

That moment came in 1842. Tyler had "dished the Whigs," and the Whigs had repudiated Tyler. The president was free to develop his own policy, supported by his new cabinet and his coterie of Virginia friends. He was personally in favor of annexation. He also saw in the issue a promising platform on which to unite the slave interests of the South and the expansionist sentiment of the North for the next presidential campaign. Moreover, Sam Houston, who, in spite of a certain affectation of indifference, was always at heart an annexationist, had been reëlected to the presidency of the Texan republic in 1841. Mexico herself stimulated the movement when, after six years of inactivity, she suddenly sent a considerable army northward for the reconquest of the lost province, inciting the adventurers of our Southwestern States to shoulder their muskets again and march to the defense of their "fellow-citizens" in Texas. Finally, the danger of British intervention in Texas

[1] The behavior of Mexico in regard to these claims shows what kind of government we had to deal with in the decade preceding the Mexican War. Although the convention was concluded in 1838, more than two years elapsed before Mexico appointed her commissioners, and another two, filled with excuses and evasions, before she agreed to pay the modest sum of $2,000,000 in equal quarterly installments extending over a space of five years. After the first three installments of $100,000 each, Mexico stopped paying.

SAM HOUSTON, WITH WHOSE CAREER THE STORY OF TEXAS IS CLOSELY CONNECTED

(After an engraving by J. C. Buttre from a daguerreotype by B. P. Page)

began to loom large and to arouse all those fears and resentments which the American people have been quick to feel whenever the menace of European intervention has appeared on this continent.

The interest of Great Britain in a free and independent Texas was obvious. She was willing to guarantee Texas a large loan in return for the abolition of slavery in the republic. She was eager to have in Texas a source of supply of cotton and other raw materials for which she could exchange her manufactures unhampered by the tariff laws of the American Union. Her minister in Mexico was working to effect an arrangement by which the independence of Texas might be acknowledged and hostilities brought to an end. As mediator between Mexico and her revolted province and as guarantor of the independence granted, Great Britain would inevitably have an enormous influence in both countries. The British government protested at every stage in the negotiations over Texas (and doubtless with truth) that her diplomatic conduct was perfectly "correct"; nevertheless, there was a widespread feeling in our country that Great Britain intended to establish a kind of "protectorate" over Texas. And against that the Monroe Doctrine was explicit.[1]

When the two great Whig leaders were removed from public life by the retirement of Clay from the Senate in the spring of 1842 and the resignation of Webster from the cabinet a year later, Tyler moved directly toward his goal. Upshur of Virginia succeeded to the headship of the Department of State in the autumn of 1843 and began negotiations with Texas for a treaty of annexation. The Texan government, under the rebuff that it had suffered from the Van Buren administration, had given up the idea of annexation and concluded treaties with France (1839), Holland (1840), Belgium and Great Britain (1842). The latter power was determined that Texas should

[1] For example, the Washington *Madisonian* (President Tyler's organ) said that if England interfered in Texas, the whole American people "would rise like one vast nest of hornets," and that the Western States "at the call of Captain Tyler would pour their noble sons down the Mississippi valley by millions."

not be joined to the United States. Brougham made speeches in the House of Lords (August, 1843) denouncing the "hideous crime of breeding negroes," and members of Parliament openly declared that "England must maintain her ascendency in Texas." In the summer of 1843 the British minister in Mexico succeeded in bringing about a truce between Mexico and Texas, which gave promise of the recognition of the independence of the latter if she would not ally herself with the United States. Furthermore, the antislavery forces were aroused by the renewal of the attempt at annexation. John Quincy Adams and twelve of his associates in the House issued a defiant address in March, 1843, charging that the American settlements had been made in Texas, the revolt from Mexico instigated, and the efforts of Mexico to regain Texas prevented, solely in order that "the undue ascendency of the slave power should be secured and riveted beyond all redemption," and that there was no obligation on the part of the states of the Union to acquiesce in a treaty of annexation—since such a treaty could not be made "under the Constitution." Annexation, said other warning voices at the North, would lead to war with Mexico,[1] would increase the power of the South, would whet a desire to acquire Mexico and Canada, would saddle us with a large Texan debt, and would enrich the speculators in Texan lands. "It is the contemptible scheme of a poor miserable traitor temporarily acting as President," said a Boston paper. John Greenleaf Whittier rang the tocsin for the country in danger:

> Up the hillside, down the glen,
> Rouse the sleeping citizen,
> Summon out the might of men.

But not all the men of the North felt like Adams and Whittier. Secretary Upshur appealed to the manufacturer and the

[1] In the autumn of 1842 our Commodore Jones on the Pacific coast, acting on a rumor that war had actually broken out between the United States and Mexico, sailed into the Californian harbor of Monterey, occupied the town, and ran up the American flag on the government building. As soon as he learned of the falseness of the rumor he retired, and apologies were made. But the incident gave color to the charge that we were anxious for war.

merchant by insisting on the advantages which would accrue from annexation: cheaper cotton, new harbors, enlarged markets. Our exports to Texas had shrunk since 1839 from $1,687,082 to $190,604. From an economic point of view, at least, the new republic was fast becoming a British protectorate. If the establishment of a free Texas under English auspices would endanger the South by furnishing a refuge for fugitive slaves or a base for abolitionist raids, it would also menace the protective system of the North by offering an opportunity for smuggling millions of dollars' worth of British manufactures across the borders, where little respect for tariff laws existed.

When Upshur met his tragic death, in February, 1844, by the explosion of a new gun on the ship of war *Princeton*, his work was continued by his successor in the State Department, John C. Calhoun, an even more ardent annexationist. Calhoun was ambitious for the presidency, and this seemed to be his chance. He was not embarrassed, like Tyler, with past Whig connections. He did not have to reconcile a Southern policy with Northern antislavery feeling, like the New Yorker Van Buren. He was an avowed slavery champion and expansionist. He used boldness and even disingenuous audacity to compass his end. When Lord Aberdeen wrote a letter to Pakenham, the British minister in Washington, which only repeated the expressions of England's interest in emancipation in Texas, as in the whole world, Calhoun represented it as a new and dangerous attack of Great Britain on the "peculiar institution" of the South; and, in spite of Aberdeen's explicit denial of any intent to "disturb their [Texas's] internal tranquillity or thereby to affect the prosperity of the American Union," Calhoun declared that if we did not take Texas, England would. Texas having been assured (by Calhoun's agent) that no harm would come to her if she entered upon negotiations, the treaty was signed on April 12, 1844. It provided that Texas should become a territory of the Union, that she should surrender her public lands, and that the American government should assume her debt up to $10,000,000. On April 22 John Quincy Adams wrote in his "Diary," "The treaty for the annex-

ation of Texas to the Union was this day sent to the Senate, and with it went the freedom of the human race."

The presidential campaign of 1844 was approaching. A few days after Adams's obituary on the freedom of the human race Henry Clay, already assured of the Whig nomination, published his famous "Raleigh letter" in a Washington paper, in which he said that the annexation of Texas would be tantamount to a declaration of war on Mexico and an act transcending the power of the executive. He regarded the project as a revengeful move on Tyler's part to disrupt the Whig party. It was, he said, "Dangerous to the Union, inexpedient in the present financial condition of the country, and not called for by any general expression of opinion." On the evening of the same day a letter from Van Buren, the most likely nominee of the Democrats, appeared in another Washington paper, disapproving annexation, but in more guarded terms. Clay was unanimously nominated by the Whigs at Baltimore (May 1), and the platform of the convention, by his request, was silent on the subject of Texas. In the Democratic convention, held in the same city (May 27), Van Buren led on the first ballot, but failed to get the two-thirds vote necessary to nominate. The friends of annexation, who could not stake the success of the Democratic party on the purely sectional candidate Calhoun, finally united on James K. Polk of Tennessee, a "dark horse," who first figured with 44 votes on the eighth ballot, and on the ninth carried every delegation of the convention in a veritable stampede. Polk was a conscientious, diligent man of moderate ability, somewhat slow and inelastic in mind, often confusing insistence on a detail with fidelity to a principle. His ambition in 1844 was limited to a nomination for the vice presidency. He had served inconspicuously as Speaker of the House, and one term as governor of Tennessee, having been defeated in his two succeeding campaigns for the latter office. As a warm friend and political protégé of Jackson's he could command the support of that large section of the Democratic party, both North and South, for whom the old hero was still an oracle; and as an ardent annexationist he could satisfy those Southern

interests which were looking to Jackson's old rival Calhoun. The platform on which Polk ran declared for "the reoccupation of Oregon and the reannexation of Texas at the earliest practicable period" as "great American measures."[1]

Early in June, Calhoun's treaty of annexation was defeated in the Senate by 16 yeas to 35 nays. This crushing defeat of a treaty for which both Upshur and Calhoun had confidently claimed a two-thirds majority was due to a combination of reasons, in which real opposition to the acquisition of Texas probably played a small part. Some of the potent factors were fidelity to Clay in his "Raleigh letter"; fear of precipitating war with Mexico; unwillingness to enrich the speculators in Texas land scrip; reluctance to rousing another Missouri question; and hostility to Calhoun for his high-handed conduct of the negotiations, his manifest bid for the presidency, his disingenuous use of the Pakenham correspondence, and his commitment of the government to a military and naval protection of Texas pending the discussion.

The defeat of the treaty brought the Texas issue before the people at the polls in November. When Clay found himself opposed to Polk, an avowed annexationist, instead of to Van Buren, as he had expected, he was embarrassed by the "Raleigh letter" and wrote other letters to the effect that he "would be glad to see Texas admitted on fair terms," and that "slavery ought not to affect the question one way or the other." This blowing hot and cold, to win both North and South, disgusted the antislavery Whig leaders, like Seward, Corwin, Fillmore, and Webster. It put them on the defensive to "explain" their candidate's position and convinced them that Clay lacked moral conviction on the subject. Enough Whigs in Michigan and New York cast their ballots for the abolitionist candidate, Birney, to throw those states into the Polk column. At the same time,

[1] On the same day as the Democratic convention a large body of delegates met in Baltimore and renominated Tyler for the presidency. But the Tyler ticket had no strength. On the assurance from Jackson and other leaders of the party that he would be received back into the Democratic fold without penalty to his followers, Tyler resigned his candidacy and led his following into the Polk camp.

however, Clay carried his own state of Kentucky and his opponent's state of Tennessee, both of which on the single issue of annexation would have gone to Polk. And with Michigan and New York in the Clay column and Kentucky and Tennessee in the Polk column, the latter would still have won the election. The Democrats undoubtedly profited by a large number of voters of fraudulently naturalized foreigners in the Middle States, as well as by the clever representation, by party leaders in Pennsylvania, of Polk as a friend of the tariff of 1842. The gallant Clay was thus for a third time defeated for the presidency, and, to make the humiliation doubly bitter, by a man almost obscure. The electoral vote was 170 to 105, but Polk's popular majority was less than 40,000.

In spite of the complexity of issues in the campaign, and in spite of the meager margin in the popular vote, the Democrats declared that the voice of the people had given a clear mandate for annexation. Tyler did not wait for Polk to carry out the mandate. To his last session of Congress, which convened in December, 1844, he announced, with not the strictest regard for truth, that "a large majority of the states had declared for annexation."[1] After a debate extending through the whole session, both Houses passed a resolution (132 to 76 in the House, 27 to 25 in the Senate) for the admission of Texas to the Union, on condition that she should frame and submit to Congress a constitution before January 1, 1846. Texas was to surrender her public buildings, works of defense, ports and harbors, to the United States, retaining her public lands and her debt. The United States were to assume the controversy over her boundaries. Four other states might, with her consent, be carved from her territory. Slavery was to be prohibited north of the line 36° 30′.

The resolution was signed by Tyler on March 1, and two days later A. J. Donalson, Jackson's nephew, was dispatched to Texas, where he labored with tact and diligence to secure the acceptance of the terms. Great Britain, in a last attempt to

[1] The vote by states was actually 15 to 11: 8 Southern and 7 Northern states for Polk, and 5 Southern and 6 Northern states for Clay.

prevent the absorption of Texas into the Union, persuaded Mexico to agree to a treaty (May 19, 1845) recognizing the independence of Texas if she would remain a separate republic. But the Texan Senate, convinced by Donalson's assurances of our good will, unanimously rejected the Mexican offer. On July 4, 1845, a convention of Texan delegates adopted with only one negative vote a constitution accepting annexation to the United States, and the people of Texas ratified the constitution in October with only 44 dissenting voices. Congress received the new state by a large majority in both Houses, President Polk signed the act of admission (December 29, 1845), and the laws of the Union were formally extended over the land beyond the Sabine. On a February day of 1846 the blue flag of Texas, with its lone white star—the emblem of the republic which for ten years had lived its precarious life of poverty, intrigue, and war—was hauled down, and in its place were raised the Stars and Stripes.

The Mexican War

The annexation of Texas was one of the most fateful events in our history. It was the first link in a chain of consequences which ended in secession and civil war. For it precipitated a struggle with Mexico, which brought us new Western territory, in which was established a new principle for the control of slavery, which was the pretext for the repeal of the Missouri Compromise, which roused the North to form the Republican party, whose election of Abraham Lincoln to the presidency drove the South to secede and make the appeal to arms. The historian, looking back through the refracting medium of an atmosphere clouded with the sectional strife of a score of years, from the annexation of Texas to the surrender of Lee at Appomattox, is tempted to see in the annexation policy only a deliberate provocation of the strife, "a dark-lantern conspiracy," "a diabolical plot," to get "bigger pens to cram with slaves." But this judgment is not fair to the facts in the case. Texas was annexed by majorities in both Houses of Congress, after an enormous amount of discussion and argument and after

a national election favorable to a candidate who ran on a platform calling for annexation as a "great American measure." Moreover, great as the interest of the slaveholders might be in the project, the general sentiment in favor of territorial expansion was greater. That we should carry our boundary to the Rio Grande, and so regain the region "ceded" to Spain by the treaty of 1819; that we should extend our protection over our "fellow-citizens" in Texas; that we should rebuke Mexico for her impudent and impotent defiance; that we should thwart Great Britain's designs to dictate the policy of a country on our borders,—all these were powerful motives with thousands of voters who had no wish to extend the limits of slave soil. A few prophetic souls might foresee the consequences and heed James Russell Lowell's warning that "they enslave their children's children who make compromise with sin," but the majority were ready to take possession of Texas and leave the reckoning with slavery to the future.

In the summer of 1843 the Mexican government had announced to our minister that it would consider the passage of an act for the incorporation of Texas into the territory of the United States as equivalent to a declaration of war against the Mexican Republic. But this was a dog-in-the-manger policy. The Mexican Minister of War himself confessed in 1844 that his country had made no serious attempt to subdue Texas after the battle of San Jacinto. Lord Palmerston characterized Mexico's prospects of regaining the lost province as "visionary," and Lord Ashburton told Clay in 1842 that England would sooner expect to see Texas conquer Mexico than Mexico conquer Texas. Even Almonte, the Mexican minister at Washington, acknowledged to Upshur in 1844 that his country had no chance of recovering Texas but that it was a "point of honor" with Mexico not to recognize her independence. The point of honor, however, was quickly waived, as we have seen, in the spring of 1845, when annexation was imminent. The sole aim of Mexico (and Great Britain) in Texas was to keep that state out of the American Union. This is not a justification for our annexation of Texas, but it is a sufficient answer to those his-

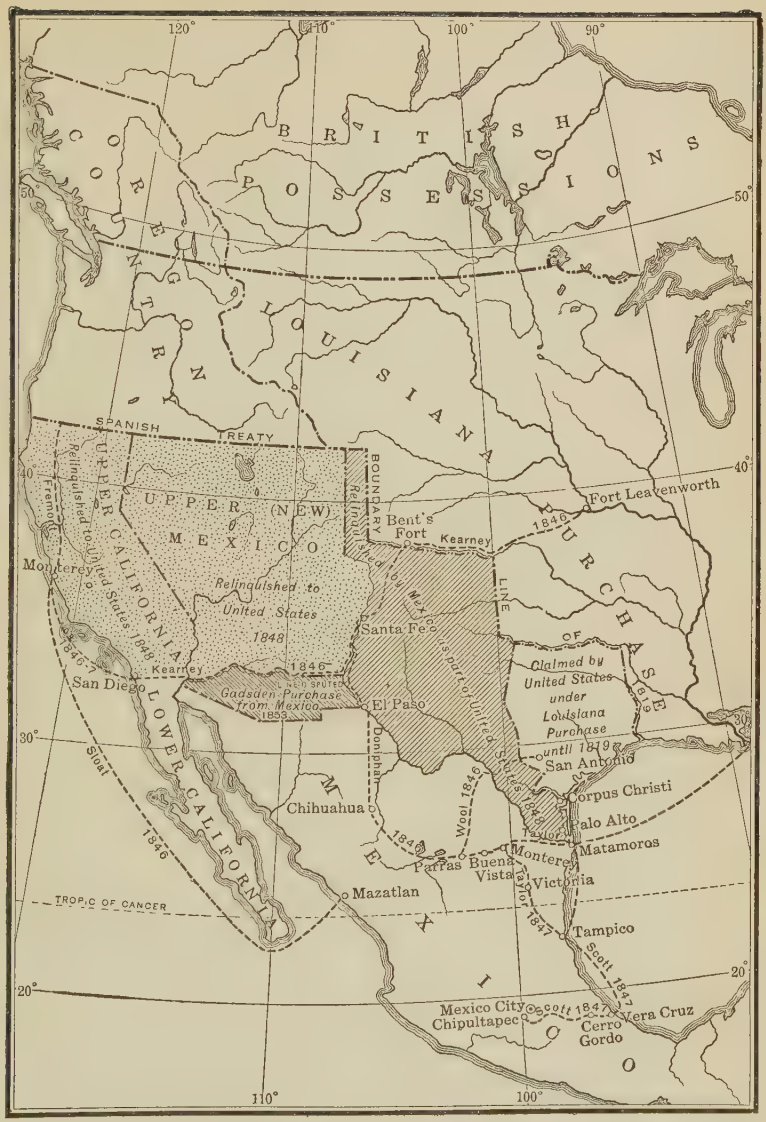
torians who have shown themselves so tender of Mexico's violated "sovereignty" in the province.

Furthermore, the unbridled insolence of the Mexican officials and press toward the United States could not but encourage the war spirit in both countries. John Slidell of Louisiana was sent by President Polk in the autumn of 1845 to negotiate with Mexico the adjustment of our claims and of the boundary of Texas. He was authorized to offer Mexico $25,000,000 for California and $5,000,000 for New Mexico, but "at all events, to take up the matter in a prudent and friendly spirit, and to conciliate the good will of the Mexicans." He was refused an audience by two successive Mexican presidents, who did not dare risk their precarious authority by seeming to make any concessions to the United States or running counter to the blustering war spirit of their countrymen. It is true that Polk wanted Upper California and instructed Slidell to negotiate for its purchase, but only if he could do so "without endangering the restoration of amicable relations with Mexico." The reproach heaped on Polk that he "drove Mexico into war" is unjust. The United States was not the wolf and Mexico the lamb of La Fontaine's fable. It was Mexico that insisted on war and began the hostilities. The Mexican authorities believed that our army was contemptible and cowardly, that it would fall an easy prey to their own brilliant generals, and that the rapid victory over the "bullies of the North" would confirm their own dictatorship over the Mexican people. When Polk was denounced in the United States (as he has been ever since) for forcing a war on Mexico, he was being reviled by the Mexicans for trying to force peace upon them! Santa Anna himself confessed openly in 1847 that "the Mexicans desired the war." Of course it is an easy solution to sneer at all of Polk's efforts at peace as camouflage and to cry with Alexander Stephens of Georgia, "Polk the Mendacious!" But another Georgian, Robert Toombs, said, "Polk never desired any war but war on the Whigs." "It is hard to think of any rational method to conciliate Mexico," says Justin H. Smith, "that Polk did not put into operation."

Having annexed Texas, it was our duty to protect her soil. Mexican troops were grouped at Matamoras, on the southern bank of the Rio Grande. The horrors of the Alamo and Goliad might be repeated. General Zachary Taylor, in command of about 2000 regular troops in the Southwest, had been ordered to proceed into Texas in the summer of 1845 and had established his camp near Corpus Christi, on the Nueces River. When word came, early in 1846, that the Mexican government would not receive Slidell, Polk ordered Taylor to advance to the Rio Grande. Here Taylor erected a fort opposite Matamoras as a warning to the Mexicans not to cross the river, which Texas claimed as her boundary line. Taylor offered to keep the river open if the Mexican commander Ampudia would promise to refrain from hostilities, but the offer was refused. Instead, Ampudia ordered Taylor to return to the Nueces within twenty-four hours.[1] On April 25, 1846, the Mexicans crossed the river and captured a reconnoitering party of about 60 dragoons under Captain Thornton. When Taylor withdrew to Point Isabel to protect his base of supplies and receive reënforcements sent from New Orleans, the Mexicans crossed the river in force. Taylor met them at Palo Alto, about ten miles north of the Rio Grande, on May 8, and inflicted a severe defeat on them. The next day he drove them from the wooded ravine of Resaca de la Palma back to the south side of the river. On the eighteenth he occupied the town of Matamoras, and the invasion of Mexico was begun.

Meantime President Polk, whose purpose was to "pursue a bold and firm course" toward Mexico and to "conquer a peace" by waging war with the sword in one hand and the olive branch in the other, was maturing his plans in Washington. On the very day that the battle of Palo Alto was fought, Slidell, returned from his fruitless mission, called at the White House. The next day news arrived, after the adjournment of the cabinet

[1] As Mexico claimed the whole of Texas, Taylor's presence on the Nueces with an army was, of course, as much an "invasion" of Mexican territory as was his presence on the Rio Grande.



THE MEXICAN WAR AND THE MEXICAN CESSION

meeting, of the attack on Captain Thornton. Polk reassembled the cabinet in the evening, and with their unanimous consent decided to send a war message to Congress. "After reiterated menaces," said the message, "Mexico has passed the boundary of the United States and has shed American blood on American soil. . . . War exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself." The President called for volunteers to serve for not less than six or twelve months. In spite of some opposition by the Whigs, a bill to raise 50,000 troops and $10,000,000 was passed through the House by a vote of 174 to 14, and the Senate by a vote of 40 to 2. On May 13 Polk signed the bill, and the gates of war were opened. Except for New England, where the abolitionist spirit was most strong, the country responded with enthusiasm to the call for troops. Soon 23,000 volunteers from the Western and Southern states were in arms. The cry was, "Ho for the halls of the Montezumas!"

The plan of the administration was to take possession of New Mexico, Upper California, and the northern provinces of Mexico—in all of which distant regions the authority of the Mexican government was weak—and, holding these regions in pawn, force Mexico to the terms which we had been unable to get by negotiation. The "conquest" of this vast territory in the summer and autumn months of 1846 offered little difficulty beyond the resistance of mountain and desert. Colonel S. W. Kearny set out from Fort Leavenworth, Kansas, near the end of June, and in August entered Santa Fé with about 1800 men, a Mexican force of 4000 retreating before him without a fight. Raising the American flag, he declared the territory of New Mexico "incorporated in the United States" and absolved the inhabitants from their allegiance to Mexico. A few days later he published a code of laws for the territory, providing for a general assembly to meet the first of August. He then set out, by way of the Rio Grande and Gila valleys, for California with but 300 dragoons, having detached Colonel Doniphan with 850 men to join General Wool at the Mexican town of Chi-

huahua.[1] When Kearny was eleven days out of Santa Fé he met the scout Kit Carson coming eastward, who told him that California was conquered by American arms. Continuing with 100 dragoons, Kearny reached the California frontier at the beginning of December and, after some skirmishes with the natives at San Pascual, entered San Diego.

The year had been filled with exciting events in California. That magnificent but neglected land lay open like a prize to the first power that should take it. Mexican authority there was only "a shadow." The province, according to a Mexican official, "had been forgotten for more than 20 years." The white inhabitants were ready to shake off their allegiance to Mexico, "not caring," as an American traveler observed, "what flag they exchanged for their own." An attaché of the French legation in Mexico had suggested a French protectorate over California. The London *Times* was urging the British government to occupy the province. But no power seemed willing itself to take California or to let any other power take it. Much as Polk wanted Upper California, he wrote to Larkin, our confidential agent at Monterey, that "the President would make no effort and use no influence to induce California to become one of the free and independent states of this Union" unless the people of California should desire it and it could be done "without affording Mexico just cause of complaint" (October, 1845). Some time earlier Commodore Sloat, in command of our naval forces on the Pacific coast, had been ordered to be "assiduously careful not to commit any act of aggression," but to seize San Francisco if he should learn "with certainty beyond a doubt" that Mexico had declared war. Sloat got news of the battles on the Rio Grande at the end of May, 1846, and after long

[1] Wool, who had marched from San Antonio, Texas, to occupy Chihuahua, changed his plans for a variety of reasons, political and strategic, and joined Taylor's army of occupation at Saltillo. Doniphan, ignorant of Wool's movement, proceeded to Chihuahua by way of El Paso, fighting now and then, and finally, after a march of a thousand miles, found Wool at Saltillo. All this tedious marching of Wool and Doniphan had little direct bearing on the fortunes of the war, except to demonstrate the courage and endurance of the American soldier.

hesitation (for which he was later superseded in his command by Commodore R. F. Stockton) sailed into the harbor of Monterey and raised the American flag a second time above the town (July 7, 1846).

The Stars and Stripes had floated for only twelve days over Monterey when a band of 160 men, "with gaunt bodies, frames of steel, shaggy beards, and an air of indescribable courage," rode into the town. They were American pioneers, and at their head was Captain John C. Frémont, topographical engineer and explorer in the service of the United States. Frémont was making the third of those extended expeditions between the Missouri River and the Pacific coast which earned for him the title of "the Pathfinder." The prospect of war with Mexico and the caution of his superior at Washington, far from deterring him from his journey, only made the deep-set eyes beneath his high narrow forehead and shock of inky black hair burn brighter with the fire of adventure. When he entered California, early in 1846, with an armed band, he was warned by Governor Castro to leave the province. Instead, he built a fort and awaited the Californians' attack—in vain. He then proceeded to the border of Oregon, where he was overtaken by Lieutenant Gillespie, under government orders, and persuaded to return to the Sacramento valley. While he was encamped here some of his men joined a party of American settlers under William B. Ide in seizing the town of Sonoma and proclaiming the Republic of California under the famous "Bear Flag."[1] On the appeal of the insurgents Frémont put himself at the head of the Bear Flag movement, and was preparing to resist in arms the force which Castro had dispatched for the recapture of Sonoma, when the news came of Sloat's seizure of Monterey. The bear then came down, and the Stars and Stripes were raised in his place. Frémont, now transformed from the explorer into the soldier, joined Stockton in the conquest of the southern part

[1] The flag consisted of a piece of white cotton, to the bottom of which was sewed a strip of red flannel. In the upper left-hand corner of the white was painted a red star, and to the right of it an "impressionistic" bear. Under the star and bear were the words "California Republic."

of Upper California. It was here that Kearny met them, as we have seen, and by his victory at San Pascual helped to secure the conquest. In January, 1847, the California leaders surrendered to Frémont, and the shadowy authority of Mexico in the province came to an end. Frémont, encouraged doubtless by his strenuous father-in-law, Senator Benton, intended to organize California as a territory of the United States and assume the governorship himself. But Kearny, with positive orders from President Polk to hold the province under military rule, vindicated his authority after an unseemly quarrel with Frémont and Stockton which resulted in Frémont's court-martial and dismissal from the service. The President remitted the sentence, but Frémont resigned.

Meanwhile Taylor had strengthened his hold on the northern provinces of Mexico. In September, 1846, he seized the important town of Monterey, the capital of Nuevo Leon, after a fierce three days' battle which ended in a fight from house to house through the streets of the town. In the next few months he occupied Saltillo and Victoria, the capitals of the two provinces flanking Nuevo León. At the beginning of the new year he held a line of 200 miles in northern Mexico with 10,000 troops. Brave in battle and the idol of his men for his "rough and ready" democracy, Taylor was nevertheless lacking in many of the qualities of a great commander. He was often careless in his strategy, reckless in his tactics, and defiant to the point of insubordination in his treatment of orders from the War Department. Against any other opponent than the cowardly Ampudia his operations at Monterey, said the best military critics, would have resulted in disaster. The victories of 1846 on the Rio Grande and in the Mexican provinces encouraged him to listen with increasing attentiveness to the suggestions of the Whig politicians that he would be a strong candidate at the next presidential election. And when, in November, 1846, the administration, against his advice, decided on a direct march on Mexico City by way of Vera Cruz and selected General Winfield Scott for the command, Taylor was provoked into a violent attack on Scott and the War Department. He had been de-

prived of half his troops and left with only a few thousand "raw recruits." Scott had acted in "a most contemptible manner" behind his back to supplant him in command and "sacrifice" him on the soil of Mexico. The administration had slighted him in order to kill his chances for the presidency. On January 26, 1847, Taylor wrote to his friend Crittenden, the Whig senator from Kentucky, announcing his candidacy for the presidential nomination.

The reason for the projected campaign against the Mexican capital was the conviction in the mind of Polk that only a bold stroke at the heart of the country would bring Mexico to terms. Repeated attempts at negotiation had failed. In spite of the rejection of Slidell, Polk had again approached the Mexican authorities after the battles on the Rio Grande, thinking that Taylor's victories might have inclined their hearts to peace. But disaster at a distance had little effect on the factional chiefs who were struggling for the control of the treasury at Mexico City and whose most effective stock in trade was fervid rhetorical denunciation of the "cowardly adventurers" and "rapacious invaders" from the Republic of the North. Buchanan's notes were treated more like the supplications of a discouraged foe than the conciliatory advances of a victor. We even fished in the turbid waters of Mexican politics in the hope of landing the prize of peace. Santa Anna had been driven out of Mexico in 1845. When he promised from his exile in Cuba that he would negotiate terms with the United States on the basis of the Rio Grande boundary and the cession of Upper California, Polk ordered Commodore Connor, our commander in the Gulf, to let him pass through the blockading squadron. Santa Anna landed at Vera Cruz in August, 1846, and soon got back his power in the distracted republic. But he found the war spirit so strong that he renounced the unpopular and uncongenial task of attempting to close the gates of the Temple of Janus. Instead, he put himself at the head of the war party, made frenzied appeals for a supreme effort of patriotism, and raised the best and largest army that Mexico had in the war—the "Army of Liberation." "Every day that passes without fighting

at the North," he cried, "is a century of disgrace for Mexico."

Early in January, 1847, an intercepted letter from Scott to Taylor revealed to Santa Anna the plans of the Vera Cruz expedition. Knowing that Taylor's forces were greatly reduced, Santa Anna determined to drive him across the Rio Grande before Scott could strike at the heart of Mexico. As Santa Anna moved northward with his formidable army of 16,000 men, Taylor concentrated his "raw recruits" to secure the defenses of Saltillo, leaving General Wool to select a place for the stand against the approaching host. Wool chose a magnificent defensive position at the ranch of Buena Vista—a veritable Pass of Thermopylæ. And here, on the twenty-second of February, with the watchword "Honor of Washington" passing down the American line, the operations began. Santa Anna's superior force enabled him to gain strong positions on the heights flanking the American army. The situation was one of utmost danger to our troops when the main battle began at dawn of the next day. The Mexicans, certain of victory, fought with all the impetuousness that exaltation lends to courage. Again and again it seemed as if the American army of less than 5000 men must be swept off the field. Indeed, the first reports of the battle that reached Washington were that our army was routed. But Taylor, arriving on the scene from Saltilla about the middle of the morning, was worth the reënforcement of thousands of troops. Intrepid and imperturbable, he sat in his saddle on the back of "Old Whitey," directing the battle, while our soldiers cheered him and fought like demons. Bragg, Sherman, Reynolds, Davis, Thomas (names to be illustrious in our Civil War), with Wool, Hardin, and McKee, performed miracles. Finally the superiority of our artillery fire prevailed against the masses of the Mexican infantry. At nightfall Santa Anna's army withdrew, leaving their pickets and camp fires to indicate that they would renew the battle on the morrow. But when morning came the exhausted Americans, springing to their guns, saw the backs of their retreating foes. Taylor and Wool fell weeping into each other's arms. It was a glorious victory in the face of tremendous odds, against the largest army that

American troops had ever met. And it made Zachary Taylor the next president of the United States.

Meanwhile Scott's troops were being conveyed down the stormy waters of the Gulf of Mexico from the mouth of the Rio Grande to a point near Vera Cruz. They landed on March 9, and twenty days later took the city. Then began the romantic march up through the mountains to the city of Mexico. Scott appealed, not without success, to the civilian population to remain quietly in their homes. The American army, he said, had come to deliver them from the misrule of the unscrupulous politicians who had brought on the war. Toward the people of Mexico it had only the most friendly disposition. It would respect persons and property and pay liberally for all supplies furnished. A Mexican force of 13,000 men under Santa Anna was posted on the heights of Cerro Gordo, commanding the high road. Scott's 9000 drove them in utter rout in a two days' battle (April 17–18), capturing 3000 prisoners. After that the prestige of the Americans was so great that they were opposed only here and there by guerrilla bands, while the people of the towns generally welcomed them with good-natured curiosity and the hopes of unwonted profits. In August, Scott reached the outskirts of the capital, and after the victories of Contreras and Churubusco against the troops which the quarreling factions of politicians had, with the last shame of desperation, put into the field, was within four or five miles of the gates of the city.

Here Scott paused to conclude an armistice with the Mexican commander while another attempt at negotiation was made. Nicholas Trist, chief clerk of the Department of State, had arrived at Scott's headquarters in June, instructed by the President "to enter into arrangements with the government of Mexico for the suspension of hostilities." Scott at first resented this invasion of his military authority and charged it to the President's willingness to embarrass his Whig generals. For some days he and the commissioner were not on speaking terms. But Scott was a kindly, generous man, without guile; and Trist was tactful and courteous. Before the end of June the two were the best of friends. Trist had considerable latitude in his in-

structions in regard to the compensation which he might offer Mexico, but he was to insist on our retention of Texas, New Mexico, and California. When the Mexican counterproposals refused to cede us any part of New Mexico or California, set the boundary of Texas at the Nueces, and demanded that we pay the cost of the war and recompense the Mexicans for their "ruined fortunes,"—terms that a conqueror might have imposed,—there was no way left but to prosecute the war to an end. Santa Anna broke the armistice by strengthening the defenses of the city and cutting off American supplies. Then Scott closed in upon him. On September 8 he drove the Mexicans from Molino del Rey, and five days stormed the high rock fort of Chapultepec. The Mexican troops in the city fled to Guadalupe-Hidalgo as the city council sent offers of capitulation to the American headquarters. At dawn of September 14 our troops, "decorated with mud, the red stains of battle, and rough bandages," entered the gates. Marching to the Plaza between "sidewalks, windows, balconies, and housetops crowded with people," they raised a battle-torn American flag above the palace, while General Scott strode up the stairway of the "Halls of the Montezumas" to write the dispatch of victory.

The fall of the capital eliminated Santa Anna (the curse of Mexico for a score of years) and brought to power a government desirous of peace. Trist had already been recalled by an administration determined at last to deal harshly with Mexico. But he stayed, counter to his orders, and made peace with Mexican commissioners at Guadalupe-Hidalgo on the basis of his former instructions. Mexico acknowledged our title to Texas, New Mexico, and Upper California, and in return we paid Mexico $15,000,000 and assumed claims of our citizens against the Mexican government up to $3,250,000. Some members of the cabinet, including Secretary of State Buchanan, were in favor of taking a part of Mexico itself, but Polk held firmly to the line of the Rio Grande. In the Senate the treaty of Guadalupe-Hidalgo was opposed by those who wanted no territory, those who wanted more territory, and those who were chagrined that Polk should finish up his program so success-

fully at the opening of a presidential year. Nevertheless, the treaty was ratified on March 10, 1848, by the narrow margin of 38 to 14. A change of four votes would have defeated it.

The Mexican War has been generally condemned by our historians as a blot on the honor of the country—a war promoted by the slavery interests, precipitated by an aggressive president, and prosecuted with a conqueror's ruthlessness. But this persistent attitude seems to rest rather on prejudices derived from the political situation of the time than on a dispassionate judgment of the documents. The abolitionists carried over this indignation at the annexation of Texas into a denunciation of every move of the United States in the war, and even into a mawkish approbation of Mexico's "virtue, courage, and fortitude under the most disastrous circumstances." Lowell's immortal "Biglow Papers" not only ridiculed our army and counseled resistance to enlistment but even contemplated disunion with apparent equanimity. The expansionist sentiment was "half of it ignorance and t'other half rum"; its object, only "bigger pens to cram with slaves."

> They jest want this Californy
> So's to lug new slave states in

was Lowell's interpretation; but the fact was that when California framed her constitution in 1849 not a single delegate voted for slavery, and there never was a moment of danger that California would enter the Union as a slave state.

Whig orators in Congress hoped that the Mexicans would welcome our soldiers to "hospitable graves." Whig newspapers declared that "every heart worthy of American liberty had an impulse to join the Mexicans," and that it would be "a joy to hear that the hordes under Scott and Taylor were every man of them swept into the next world." Although Congress had sanctioned our occupation of the region beyond the Nueces by the establishment of customs laws there and had supported the President's war message in both Houses by tremendous majorities, Webster had the effrontery, in a speech in

Faneuil Hall in Boston, to threaten Polk with impeachment for involving the country in war without the consent of Congress. The truth is that all the denunciation of the war that was not honest abolitionist opposition was Whig politics. And the only comment necessary on the honesty of the Whigs' "pacifism" is that they exploited the most popular of the victorious generals of the war in their presidential campaign of 1848. They pretended that they did not want the United States to beat Mexico, but what they really meant was that they did not want Polk's administration to beat Mexico. "Clay, Webster, and the other Whigs," wrote Markoe from Vera Cruz, "have by their speeches done more to prevent peace than as though they had arrayed 10,000 Mexicans against Scott." "Mexican Whigs" was the not inappropriate epithet bestowed upon them.[1]

To contend that the Mexican War was not dishonorable, however, is not to deny that it was unfortunate. It is possible that a man of greater tact and patience than Polk in the White House could have kept the sentiment of expansion within the bounds of peace. It is possible that the vicissitudes of Mexican politics might have brought into power an administration from which we could have got by purchase what we took by arms. It is possible that more friendly relations with Great Britain would have removed what we believed to be a necessity for acting promptly, and decisively. But all these are *only* possibilities. What is certain is that no great part of the American people realized at the time that the prize of the Western lands over which their explorers and pathfinders had marched, and which beckoned with the promise of a new empire for democracy, would turn to ashes in the acquisition. The one and only recompense of war is that it unites a people more firmly in

[1] Justin H. Smith, in his exhaustive and judicious volumes on "The War with Mexico," sums up the behavior of the Whigs in a single pithy sentence: "They denounced the war enough to incriminate themselves when they supported it, and they supported it enough to stultify themselves when they condemned it" (Vol. II, p. 283).

devotion to the highest national ideals. But the Mexican War was the harbinger of naught but strife and discord.[1]

The platform on which Polk was elected in 1844 called for the "reoccupation" of Oregon as well as the "reannexation" of Texas. Oregon (see map, p. 319) comprised the vast territory west of the Rocky Mountains between the parallels of 42° (Spain's northern boundary by the treaty of 1819) and 54° 40′ (Russia's southern boundary by the treaty of 1824). Since 1818 it had been held in joint occupation with Great Britain, the renewal of the agreement in 1827 giving either party the right to terminate it on a year's notice to the other. Both the United States and Great Britain had claims to Oregon reaching back to the eighteenth century. In 1792 Captain Gray of Boston had sailed into the mouth of the river which he named, after his ship, the "Columbia." Lewis and Clark had traversed the Oregon region, wintering on the Pacific coast in 1805. Six years later John Jacob Astor had established the fur post of Astoria. The British had secured trading-rights on the Oregon coast from Spain, in the Nootka Sound convention of 1790, and the Northwest Company of Canada had extended its posts down into the Columbia valley. We took little interest in the distant region of Oregon until the missionaries, following in the track of the explorers and the fur-traders, in the early thirties began to appeal to the East for support. A few enthusiasts like Nathaniel Wyeth, Jason and Daniel Lee, and Marcus Whitman[2] started a publicity campaign to secure immigration to the region. But the response was slow. By the end of 1841 probably not more than 300 American settlers had gone to the Oregon country.

[1] William H. Seward prophesied of the whole annexation policy that it would give to the slave interests "a fearful preponderance which may and probably will be speedily followed by demands to which the democratic, free labor states cannot yield; and the denial of which will be made the ground of secession, nullification, and disunion."

[2] Until it was exposed in 1900 by Professor E. G. Bourne, in the *American Historical Review* (Vol. VI, pp. 276–300), the legend of Marcus Whitman was a firm and cherished tradition of American history. According to that legend, Whitman, hearing at a dinner at one of the fur posts of the intention of the

The wave of expansionist sentiment which brought Texas into the Union stimulated migration to Oregon. Senators Benton and Linn of Missouri were especially active to secure legislation to encourage the settlement of the Far Northwest. Linn's bill providing for a line of forts from the Missouri River to the best pass over the Rockies, and the grant of a section of land to each immigrant over eighteen years of age, went through the Senate in February, 1843. Although it failed in the House, the discussion that it raised and the expectation of its becoming a law started a large emigration to Oregon. In June, for example, a caravan of nearly 900 settlers, in 200 wagons, with 1300 head of cattle, started on a successful journey across the Rockies. Other parties followed, swelling the immigrants to several thousands. The settlers in Oregon had already begun to take measures for their political protection. Organizing a provisional government, they petitioned Congress to extend the laws of the United States over their region. Enthusiastic conventions in the Middle States demanded that we should assert the Monroe Doctrine against Great Britain, build forts from the Missouri to the Pacific, and take possession of the whole of Oregon up to the boundary of Alaska (54° 40′). "Fifty-four forty or fight!" the slogan.

This demand of the enthusiasts for "all of Oregon or none" had no sound basis. We had, since 1824, repeatedly discussed with Great Britain the division of the territory and had always professed ourselves satisfied with the extension of the line of 49° to the Pacific. Great Britain, however, insisted on the Columbia as her southern boundary, with the free navigation of the river for both countries. Even as late as July, 1845 (after having asserted in his inaugural address of March 4 that "our title to the country of Oregon is clear and unquestion-

British to occupy the region of Oregon south of the Columbia, mounted his horse and made a midwinter ride of 4000 miles across the continent to implore Tyler and Webster in the White House to "save Oregon." Whitman did cross the continent to get aid for his mission station from the American Board of Foreign Missions in Boston, but he never held the dramatic interview with the President and the Secretary of State in which he implored them not to "sacrifice Oregon for a cod fishery."

able"), Polk renewed the offer of the line of 49° to the British minister—only to be repulsed. In April, 1846, both Houses of Congress by large majorities (142 to 46, and 42 to 10) authorized Polk to give the year's notice to Great Britain of the termination of the joint agreement of 1827. It was on the day after this vote that Captain Thornton's dragoons were attacked on the Rio Grande (p. 424). The President had no intention, in spite of the campaign bluster of "Fifty-four forty or fight" and his own bold words in the inaugural, of going to war with Great Britain over a few degrees of latitude in Oregon, when a war with Mexico was imminent. He let the British ministry know that a proposal from them would be welcome, and when they sent over the draft of the treaty accepting the line of 49°, he accepted it on the advice of the Senate (June 10, 1846).[1]

Benton charged the administration with bullying tactics: the reason why we did not march up to the line 54° 40′ with the same boldness that we marched down to the Rio Grande was that England was a strong power and Mexico a weak one. And since Benton's day this opinion has been frequently repeated by our historians.[2] The facts, however, do not support it. Polk worked far harder to induce the Mexican government to agree to a peaceful settlement than he did to conciliate Great Britain. If we did not march up to 54° 40′ it was certainly partly because we had no shadow of a claim to the

[1] The boundary as provided by the treaty followed the 49th parallel westward from the Rockies to Puget Sound, and thence ran through the middle of the channel to the Pacific. Great Britain was to have the whole of Vancouver Island with the free navigation of the Columbia. The Hudson's Bay Company was to receive $650,000. A dispute over the exact location of the boundary through the Sound was referred to the German Emperor for arbitration in 1871 and was decided in favor of our claims.

[2] "With England which was strong we were ready to compound differences; from Mexico which was weak we were disposed to snatch everything" (Woodrow Wilson, "Division and Reunion," p. 149). "Negotiation in the same spirit as that had with Great Britain would undoubtedly have settled the difficulty, but the President arrogated the right of deciding. . . . Mexico was actually goaded into the war" (Rhodes, Vol. I, p. 87). Not to mention extremists like Schouler, who speaks of our "profligate contempt of Mexico's rights of sovereignty" and of our "repeating the story of Pizarro, only with shabbier embellishments" (Vol. V, p. 443).

boundary of 54° 40′. We had repeatedly offered the line of 49° ourselves. If we did not go to war with Great Britain as we did with Mexico it was due partially to the fact that Great Britain was civilized, reliable, and reasonable. She neither rejected our envoys nor insulted our government. On a hint from Washington her ministry sent us a treaty conceding the boundaries which we fairly claimed. While the Mexicans were clamoring for war to drive our armies from a state of our Union, the British were but restraining us from invading a territory which we had never pretended to occupy. The relative strength of Great Britain and Mexico had nothing to do with the merits of the case.

The Mexican War had been in progress only three months when President Polk asked Congress (August 3, 1846) for an appropriation of $2,000,000 to help secure our boundary from Mexico. It was certain that a large transfer of territory from Mexico to the United States would be the first condition of peace. Sloat had already raised the American flag over the Californian town of Monterey; Kearny was but a few days' march from Santa Fé in New Mexico (see page 426). The advocates of the restriction of slavery got David Wilmot, a Democratic congressman from Pennsylvania, to offer an amendment to the $2,000,000 bill to the effect that "neither slavery nor involuntary servitude [should] ever exist in any part of the territory" acquired from Mexico. The bill, including the Wilmot Proviso, as the amendment was called, passed the House (87 to 64), but failed in the Senate because the hour agreed upon with the House for the adjournment of the session overtook Senator Davis of Massachusetts while he was arguing against a motion to strike out the amendment. When Congress met again in December, 1846, the bill was reintroduced, and again the House voted to incorporate the Wilmot Proviso (115 to 105). The Senate rejected the Proviso by a vote of 31 to 21[1]

[1] Six of the votes of the majority came from senators of Northern states. If these six men had supported the Proviso it would have passed by a vote of 27 to 25, and, unless vetoed by Polk, the bill excluding slavery from the newly won territory of the United States would have become a law in 1847.

and on the last day of the session secured the consent of the House to the unamended bill. Although the Wilmot Proviso failed in 1847, it was revived in the House again and again in the two years following, and it remained before the country as the official demand of the liberty men of the North. Abraham Lincoln, who was a member of Congress from 1847 to 1849, said that he voted for the Proviso in the House more than forty times.

The persistence of the advocates of the Wilmot Proviso aroused equal insistence on the part of Calhoun, Davis, and other Southern leaders that no restriction of slavery in the new territory should be allowed by Congress. Oregon was anxiously waiting for territorial organization in the summer of 1846, and President Polk urged in his messages of August and December that Congress proceed to the task. But when the House passed a bill which extended the antislavery provision of the Northwest Ordinance to Oregon (January 16, 1847), the Senate tabled it. There was no intention in the mind of the Southern senators of carrying slavery into Oregon. What they objected to in the bill was the power of Congress to exclude slavery from Oregon. When the ratification of the treaty of Guadalupe-Hidalgo in the spring of 1848 made New Mexico and California American soil, Polk urged the prompt organization of a territorial government for these provinces also. An attempt was made to settle the whole matter by the so-called Clayton Compromise of July, 1848, according to which Oregon was to have complete territorial government with representation in Congress, while California and New Mexico were to be administered by a governor, a secretary, and judges of the Supreme Court. The question of slavery was left to the Oregon legislature, but the governments of New Mexico and California were forbidden to pass any laws "respecting the prohibition or establishment of African slavery —such being referred to the United States courts."[1] This measure the Senate passed after an all-night battle (July 27), but the House tabled it. Finally, in August, 1848, the Senate

[1] Corwin wittily said of this measure that it would be "enacting not a law but a lawsuit."

so far receded from its position as to sanction the bill for the organization of Oregon, including the restriction of slavery. But California and New Mexico still remained unorganized.

Meantime the presidential campaign was in full swing. The Democratic convention, meeting at Baltimore on May 22, had nominated Governor Lewis Cass of Michigan, an ardent unionist and expansionist, confident, ornate, with pretensions to diplomatic and military distinction. Cass was reputed "a northern man with southern principles"—popularly known as a "doughface." The platform defended the Mexican War as "just and necessary," and denied the power of Congress to interfere with the domestic institutions of the states. Every attempt in the convention to discuss the Wilmot Proviso was met with calls to order. The Whigs met at Philadelphia, June 7. In spite of their fervid condemnation of the war, they nominated the hero of Palo Alto and Buena Vista, whom they had been "grooming" for the presidency for a year or more. There were decided objections to Taylor as the candidate of a party which prided itself on "principles." When asked his opinion on the Bank and the tariff, he replied with his bluff honesty that he had "had no time to investigate" them. He was a Louisiana planter with three hundred slaves. He had never voted, but in a private letter he said that he "certainly would have voted for Clay" in 1844. However, these political shortcomings were all atoned for by his popularity as a military hero. The Whigs simply had to win. They shunned the danger of faction and defection by refusing to adopt any platform or declaration of principles. When the Ohio delegation attempted to introduce the Wilmot Proviso they were rebuked.

The New York Democrats were divided into the factions of "Barnburners" and "Hunkers," the former an antiadministration group under the lead of Van Buren, with leanings toward the Wilmot Proviso. A convention of the Barnburners, joined by delegates from Massachusetts, Ohio, Connecticut, and Wisconsin, met at Utica, New York, in June, and nominated Van Buren for president. He was also nominated in August by the convention of the new Free Soil party, which met at Buffalo,

attended by 65 delegates from 18 states. Their platform demanded that Congress should neither erect another slave territory nor admit another slave state. It declared that the party would "fight on and fight ever" under the banner inscribed "Free soil, free speech, free labor, free men," until "triumphant victory" should reward its exertions. The old Liberty (Abolitionist) party merged with the Free-Soilers, its candidate, J. P. Hale, withdrawing in favor of Van Buren. The coalition of the Barnburners and the Free-Soilers was strong enough to defeat the regular Democratic candidate in the pivotal state of New York and to give the 36 electoral votes of that state, and therewith the election, to General Taylor.[1] In Congress too the Free-Soilers won a commanding position, their 13 members holding the balance of power between the 112 Democrats and the 105 Whigs.

Yet the election as a whole was without significance. It marked rather a dead center in the revolution of political events. The old issues of Bank, tariff, currency, internal improvements, were worn threadbare. The lines of the new struggle over slavery and the territories were not yet clearly drawn. Each party was looking for votes wherever they could be found—the Whigs with a Southern slaveholder whose military record commended him to the North; the Democrats with a Northern frontiersman whose views on slavery were not offensive to the South. Taylor carried seven free states and eight slave states; Cass carried eight free states and seven slave states. The separation of the sections and the disruption of the old parties had not yet come. The election of 1848 was, as Garrison truly says, "a contest without an issue."[2]

[1] The popular vote in New York was 218,000 for Taylor, 120,000 for Van Buren, and 114,000 for Cass. In the electoral college Taylor had 163 votes to 127 for Cass.

[2] Although the annexation of Texas, the Mexican War, the Oregon settlement, and the rising controversy over slavery in the territories absorb the attention of the historical student in the middle years of the decade 1840–1850, there are a number of interesting facts of secondary importance in politics and civics that may be recorded here: (1) By an act of June 25, 1842, the "general ticket" was done away with for congressional elections, and each member was

The Compromise of 1850

National conventions might dodge the issue of slavery, crying "Avaunt and quit my sight!" to the Wilmot Proviso, which rose with the persistency of Banquo's ghost before their eyes; Congress might adjourn, leaving the increasing population of New Mexico and California without a government; the new president, in his first inaugural message, might deprecate "the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind,"—but all this was as futile as King Canute's injunction to the rising tide. The people at large were convinced that a crisis was at hand in the slavery question and that it must be met. Our country threatened to separate into warring factions. The very protestations of orators North and South in their utter devotion to our priceless Union show how great the danger to that Union was.

At the North the principle of the Wilmot Proviso was gaining converts with each rejection by Congress. Its advocates were determined that the acquisitions of the Mexican War should bring no profit to slavery. The abolitionists redoubled their efforts, planning new societies, establishing newspapers and debating clubs, and circulating a great amount of propagandist literature and pictures. Legislatures and conventions in the free states passed scores of resolutions upholding the Proviso, and petitions for its adoption poured in upon Congress in an unbroken stream. The South was equally firm in its opposition.

returned to the House from a single congressional district. (2) In 1844 the electric telegraph was first used to report the proceedings of the national convention, and Silas Wright of New York had the unique experience of declining the presidential nomination when it was offered to him. (3) By an act of January 23, 1845, a uniform day—the first Tuesday after the first Monday in November—was prescribed for the choosing of presidential electors. (4) In March, 1845, both Houses of Congress for the first time passed a bill over the president's veto. (5) On March 3, 1845, Iowa and Florida were authorized to frame constitutions for admission to the Union. (6) The Walker tariff of 1846 began the series of relatively low tariff rates which lasted until the Civil War. (7) In August, 1846, the Independent Treasury system, which also lasted until the Civil War, was reëstablished.

An address was drawn up by Calhoun and signed by 48 members of Congress, demanding that abolitionist agitation should cease, that fugitive slaves be returned to their masters, and that the new territory be freely opened to the emigration of the slaveholders. A mass meeting held in Kentucky requested Henry Clay to resign his seat in the Senate, because he had written a letter recommending a plan of gradual emancipation for the slaves of the state. Resolutions voted by a large majority in the legislature of Virginia declared that in the case of the adoption and attempted enforcement of the Wilmot Proviso "the sovereign people of Virginia" would not hesitate in the choice between "abject submission to aggression and outrage" and "determined resistance at all hazards and to the last extremity." The toast "a Southern confederacy" was hailed with cheers at a dinner to Senator Butler of South Carolina in April, 1849. As usual in times of great crises, the influence of the radicals on both sides tended to carry along the majority of the moderates, who in the North feared the reproach of favoring secession and in the South abhorred the suspicion of condoning abolition.

When Polk's final Congress adjourned in the spring of 1849 without having made any provision for the government of the territory acquired from Mexico, Senator Benton advised the Californians to form a government for themselves. There was pressing need for such action. Gold had been discovered in the Sacramento valley in January, 1848, and the next year saw the swarming of the "forty-niners" into California. Thousands came by wagon across the great plains of the West, braving starvation, exhaustion, the fever of the alkali wastes, and the danger of Indian attacks and leaving their telltale track of broken wagons, dead animals, and human bones. Other thousands came by sea, enduring the perils and buffetings of the six months' voyage around Cape Horn, the mariners' Nemesis, or crossing the pestilence-laden Isthmus of Panama on pack mules, to battle like crazy men for a place on the dirty, crowded, rickety steamers plying up the Californian coast. Mexicans, South Americans, Germans, Englishmen, Frenchmen, and Chinamen rushed to the "diggings." Men fought over disputed claims

SUTTER'S FORT, COLOMA, CALIFORNIA, AS IT WAS IN 1848

(On January 24, 1848, ten days before the Treaty of Guadalupe-Hildalgo was signed, gold was discovered by James W. Marshall in the earth taken from Colonel Sutter's mill-race. Reproduced from Gertrude Atherton's *California*)

with revolver and bowie knife. Bandits plundered the convoys, Indians raided the settlements, and drunken ruffians terrorized the camps. There was no law or order. As the American immigrants gained in uumber over the "greasers" and the yellow men they determined to hold a convention for the establishment of a civil government. The Convention met at Monterey, September 3, 1849, and framed a state constitution, excluding slavery by a unanimous vote, although one third of the members were from the Southern states. When Congress met in December, California, its population grown from 6000 to over 80,000, was asking admission to the Union as a free state. The people of New Mexico, meanwhile, had petitioned for organization as a non-slaveholding territory, claiming land to the east of the Rio Grande over which Texas had extended her authority.

President Taylor, although a Southerner and a slaveowner, became convinced on a visit to the New England states in the summer of 1849 that the South was the aggressor. He met the threats from South Carolina, Virginia, and Mississippi in the spirit of Andrew Jackson. He would answer the first overt act with a blockade of the Southern ports and call for volunteers from the free states. If necessary, he said, he "would pour out his blood for the defense of the Union." He was much under the influence of Senator Seward of New York, the leader of the antislavery Whigs. While not an advocate of the Wilmot Proviso himself, the President let it be known that he would do nothing to encourage the program of the Southern radicals. "The people of the North," he said in a speech in Pennsylvania, in August, 1849, "need have no apprehension of the further extension of slavery." His own plan was to admit California at once as a free state and establish territorial governments in New Mexico and Deseret (Utah) without any provision regarding slavery, leaving the people the choice when they should be ready for statehood.

The latter doctrine was known as "popular sovereignty," later nicknamed "squatter sovereignty," because it left the formation of communities with or without slavery to the people who "squatted," or settled, on the land while it was still the public

territory of the nation, without the power of a state to determine its municipal law by a regular constitution. The origin of the doctrine is generally ascribed to Lewis Cass, who elaborated it in a letter to a certain Mr. Nicholson of Nashville in December, 1847; but the principle had been discussed two years earlier in connection with the admission of the territory of Florida to statehood. Other possible solutions for the treatment of the territory acquired from Mexico were (1) the application of the Wilmot Proviso, excluding slavery by act of Congress; (2) the extension of the Missouri Compromise line of 36° 30′ to the Pacific; (3) the full protection, by the national government, of the "property rights" of the slaveholder in the common territory of the Union (the Calhoun-Davis theory); and (4) the reference of the legality of slavery to the territorial courts, with appeal to the Supreme Court of the United States. The first of these solutions was, of course, that of the abolitionists and the Free-Soilers of the North; the second was the original demand of the slavery advocates, soon, however, changed into the third; the fourth was summarily disposed of by Corwin's sarcastic comment.[1]

But the organization of the new territory was not the only vexed question with which Congress would have to deal. Northern agitators were persistently demanding the abolition of slavery and the slave trade in the national District of Columbia. Northern legislatures were passing Personal-Liberty Acts, making the rendition of fugitive slaves to their masters extremely difficult. The "underground railroad" was aiding hundreds of these fugitives from the border states to escape across the free soil of Indiana, Ohio, Pennsylvania, and New York to the Canadian border. And, finally, the legislatures, the press, the pulpits, the public platforms, of the South were insisting that the abolitionists must cease from their "taunts and insults," their self-righteous and meddling propaganda which encouraged servile insurrections, and must leave the South in peace to manage its own domestic institutions.

[1] See page 440, note.

There was little likelihood that the Congress which met in December, 1849, would heed the President's admonition to "abstain from those exciting topics of a sectional character" which had "produced painful apprehensions in the public mind." Even before the House was organized to receive President Taylor's message a three weeks' struggle between Howell Cobb of Georgia and Robert C. Winthrop of Massachusetts for the Speakership had revealed the bitterness of the sectional hostility. Amid hisses and applause men hurled defiance at each other across the aisle. Toombs of Georgia declared that if the North should exclude the slaveholder from New Mexico and California and "fix a national degradation on half the states of the Confederacy," he for one was ready for disunion. Baker of Illinois sprang to his feet instantly with the retort that a dissolution of this Union would be impossible "so long as an American heart beat in an American bosom." The Whigs and the Free-Soilers combined outnumbered the Democrats, but enough of the radical antislavery Whigs deserted the moderate Winthrop to give the Speakership to Cobb by the narrow margin of 102 votes to 100. In the Senate, where calmer counsels were supposed to prevail, resolutions on every one of the "exciting topics" were introduced by Douglas, Benton, Foote, Mason, and Seward. It looked as if chaos would rule the session, when Henry Clay, the Nestor of the Senate, rose on January 29, 1850, to introduce a set of compromise resolutions to secure "the peace, concord, and harmony of the Union."

After an absence of more than seven years Clay had been sent by a unanimous vote of the Kentucky legislature to resume his seat in the chamber which he had first entered in Jefferson's administration forty-three years before. He was now in his seventy-fourth year, and that tormenting ambition for the presidency which had shaped his course and sometimes blurred his better judgment, since the exciting contest of 1842, was stilled. He came in the first place to hold up the hands of the last-elected Whig president, but still more to pour oil on the troubled waters of sectional strife. There were eight provisions in Clay's scheme of compromise:

1. California should be admitted with her constitution as a free state.

2. Territorial governments should be established in the rest of the Mexican cession, without restrictions as to slavery.

3. The disputed boundary between Texas and New Mexico was determined.

4. The public debt of Texas acquired before 1845 should be paid by the United States as an indemnity for the state's relinquishment of her claims to a part of New Mexico.

5. Slavery should not be abolished in the District of Columbia without the consent of Maryland and of the people of the District, or without direct compensation to the slave-owners.

6. The slave trade should be prohibited in the District of Columbia.

7. A more effective law should be passed for the rendition of fugitive slaves.

8. Congress had no power to interfere with the slave trade between the states.

On the fifth and sixth of February Clay defended his resolutions in the opening speech of the greatest debate that was ever heard in the halls of Congress. His body was racked with the consumptive's cough, and he was too weak to mount the steps of the Capitol without a supporting arm. But once on the floor of the Senate, his strength increased with his zeal as he spoke to the great throng that pressed on the doorways of the gallery to get within sound of his marvelous voice. His theme was conciliation. He was "appalled" as he beheld in Congress and the legislatures of the states "twenty-odd furnaces in full blast, emitting heat and passion and intemperance, and diffusing them throughout the whole extent of this broad land." What more could the North in fairness ask than what she had already got? California was free soil. The table-lands of New Mexico would also undoubtedly be free. The guaranty of nature was "worth a thousand Wilmot Provisos." Could not the South also be content if the new territory were not closed to the slaveholder, if her runaway negroes were returned, and her "peculiar institution" were let alone in the slave states? Clay held out the olive branch to

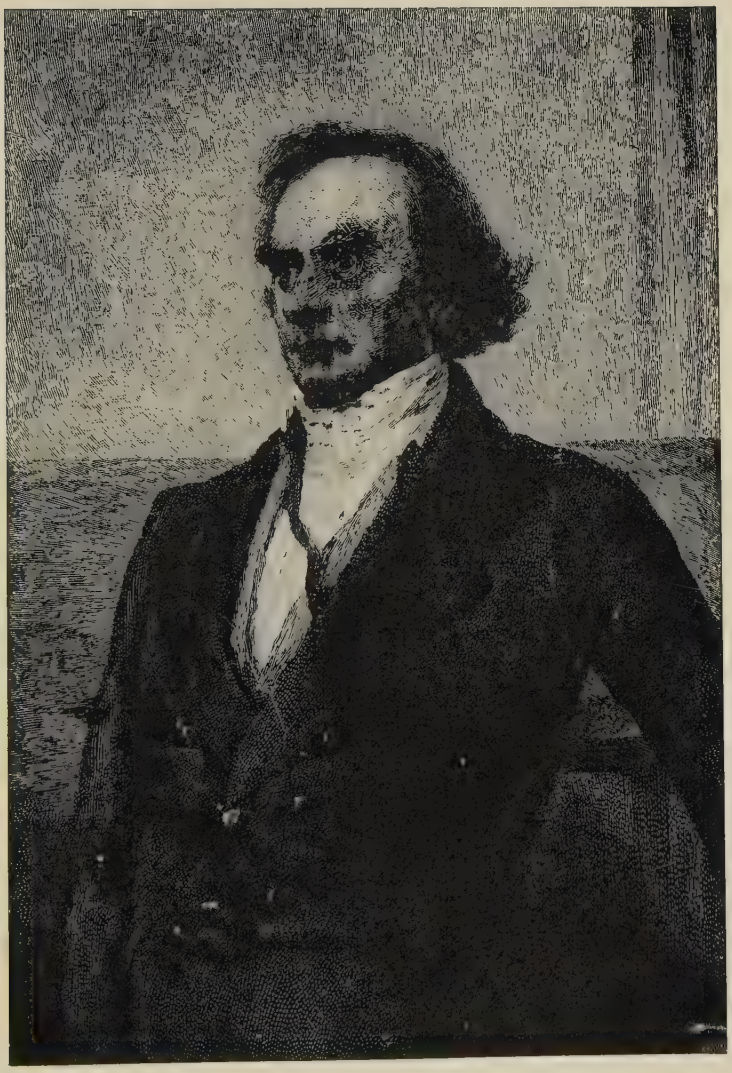
"both parts of this distracted and unhappy country." No sacrifice was too great to preserve the Union of the Fathers. Secession could mean only war—war "ferocious and bloody, implacable and exterminating," out of which a Cæsar or a Napoleon might rise to put an end to self-government and "crush the liberties of both the severed portions of this common empire."

Calhoun spoke on the fourth of March. He too loved the Union and dreaded the word "secession." But long study of refined philosophy on the rights of the states had convinced him that the Union as it existed was no longer a guaranty of the liberties of the South, and that the Constitution had been transformed by the interpretations of Northern majorities into an engine of repression and tyranny. Calhoun was in the last stages of consumption. He tottered into the Senate and sat wrapped in flannels, his sunken eyes half closed beneath their shaggy brows, the picture of a prophet of doom, while his colleague Mason read his last direful warning to the North. The time for compromise had passed. The bonds that held the Union together were snapping one by one. Already the churches North and South had parted company. Already Southern planters were boycotting Northern merchants. The North by its vicious abolitionist agitation, by its attempt to fix a stigma on the character of the slaveholder and deny him free access to the common territory of the Union, was driving the South out of that Union. The equilibrium between the sections was destroyed. For the moment free and slave states were equally represented in the Senate, but let California be admitted as a free state and the last semblance of equality would disappear. Only one remedy was left: let the North cease from her policy of aggrandizement. She alone was to blame. No institution of hers was attacked, no threat was made to destroy her political and economic order, no stigma was cast on her body of citizens. The South had nothing to compromise or concede. She asked only her rights under the Constitution. It lay with the North to decide whether those rights should be respected and the equilibrium between the sections restored.

Calhoun was terribly sincere as he spoke under the shadow of death; and the events of the next decade proved the soundness of his judgment, as against that of the supporters of Clay's measures, that compromise could not finally settle the great controversy. In this he was closer to Lincoln and Seward, however strange the comparison may seem, than he was to Clay and Webster. But Calhoun's fatal error was the belief that the perpetuation and nationalization of slavery was the correct solution of the problem. The emancipation of the negro race meant for him the defiance of the ordinance of Providence, the economic ruin of the South, and the end of white supremacy—the cataclysm of society. In the practical measures which he suggested for the restoration of harmony between the sections, Calhoun showed neither psychological nor political wisdom. His demand that the North stop "agitating" the question of slavery was, as Lowell pointed out a decade later, equivalent to asking a man who has a fever to stop shaking. For it was slavery that was agitating the North, and not the North that was agitating slavery. As a political remedy Calhoun had nothing better to offer than the election of two presidents, one from the free and one from the slave states, each to have the veto power over all legislation of Congress. Thus, as Professor Dodd remarks, "permanent deadlock was proposed as the remedy for sectional conflict." To match a country half slave and half free there was to be an executive half slave and half free.[1]

Three days after Calhoun's grave ultimatum was delivered Daniel Webster spoke. Again the floor and galleries of the Senate chamber were crowded, for Webster was the greatest of the American orators. His majestic presence was matched by a powerful intellect, and persuasion sat upon his lips. Additional attraction was given to the occasion by the rumor that Webster was to make the effort of his life and by the uncertainty of opinion as to what course he would advocate. Clay was

[1] This proposed amendment for a dual executive is not in Calhoun's speech of March 4, but is fully developed in a posthumous essay entitled "A Discourse on the Constitution and Government of the United States."



DANIEL WEBSTER

committed to the Compromise; Calhoun's opposition could be predicted from his public utterances and writings for a score of years past; but what would Webster say? Many of his friends in the North, citing his repeated declarations against the extension of slavery, were sure that he would oppose the Compromise. Others believed that he would sacrifice consistency for the sake of preserving the Union. Others, still, with less generosity of judgment, thought that he would set conciliation above conscience, with the hope of uniting the great mass of conservatives North and South in the support of his candidature for the presidential nomination. No one can say how the motives were mixed in Webster's mind as he rose with the words: "I wish to speak today not as a Massachusetts man nor as a Northern man, but as an American. . . . I speak today for the preservation of the Union. 'Hear me for my cause.'" He supported the Compromise measures at every point. As to California and New Mexico, he held that slavery was already excluded from those territories by the laws of physical geography, which made impossible in them the cultivation of the staple products of the South. He "would not take pains uselessly to reaffirm an ordinance of nature nor to reënact the will of God." He "would put in no Wilmot Proviso for the mere purpose of a taunt or a reproach." The abolitionist societies he condemned as having "produced nothing good or valuable in their operations for twenty years." The one real grievance of the South, he said, was the aid given by public and private agencies in the North to the fugitive slaves; and in redressing this grievance he was willing, like Clay, to go to any reasonable lengths to secure the rights guaranteed to the South by the Constitution (Art. IV, sect. 2, par. 3). He closed with a magnificent peroration, warning his countrymen of the impossibility of "peaceful secession" and exhorting them to be faithful to the exalted trust of preserving the Union, the Constitution, and the harmony and peace of all who were destined to live under it.

The Seventh-of-March speech brought Webster blame and praise unmeasured. For his Free Soil friends of the North, who

had looked for a ringing denunciation of the extension of slavery "irrespective of parallels of latitude," he had proved to be a broken reed and a shattered idol. Lucifer had fallen from heaven. It was enough that Webster was congratulated on his speech by Calhoun. Lowell spoke of his "mean and foolish treachery." Whittier sang the dirge of his "departed glory" in stanzas of gentle denunciation:

> So fallen! So lost! the light withdrawn
> Which once he wore!
> The glory from his grey hairs gone
> Forevermore.
>
> Revile him not—the Tempter hath
> A snare for all.
> And pitying tears, not scorn and wrath,
> Befit his fall.

On the other hand, the conservative business interests of the North and the great majority of the South approved of Webster's stand. A large sum of money was raised in Boston and New York for printing and circulating the speech, over 200,000 copies of which were distributed. It was claimed that Webster, by his repudiation of the Wilmot Proviso, had held the Southern Whigs to the party and averted the imminent danger of disunion. We need not have recourse to the severe judgment of Lowell and Whittier to explain Webster's position. He was never an abolitionist and hence could not be an "apostate" from his creed. He was a conservative, with a great respect for property, a great reverence for the Constitution, and a great love for the Union. He saw the Union in danger and hastened to give assurances to the South. He saw the Constitution violated, and advocated an adequate law to recover fugitive slaves. As for "the Tempter's snare," Webster was too good a politician to need to have Theodore Parker tell him that he would lose as many supporters in the North as he would gain in the South by his attack on the Proviso. The most sensible as well as the most charitable interpretation of his speech is that which he gave

himself: "I speak today for the preservation of the Union. 'Hear me for my cause.'" [1]

The great triumvirate of Clay, Calhoun, and Webster, whose intelligence and eloquence had for a score of years graced the hall where they now met together for the last time, had spoken. Others followed, men of a later generation, who were less concerned with the legal and constitutional aspects of the case than with the settlement of a moral dilemma. Ex-Governor Seward of New York, a new member of the Senate, brushed aside the threats of disunion as "too trivial for serious notice." He too had reverence for the Constitution, but a Constitution which devoted our domain "to union, to justice, to defense, to welfare, and to liberty." He argued that the present generation held the fortunes of the country in trust for the future; that slavery was an institution doomed to extinction by a "higher law" than the Constitution. Increasing the stringency of the fugitive-slave law would be of no avail, for the public sentiment of the North would resist its enforcement. Had any government ever succeeded, he asked, in changing the moral convictions of its citizens by force? He was opposed to the Compromise. He would coöperate with the South in any reasonable plan to remove slavery, but he would not agree on any terms to its extension. Salmon P. Chase, of Ohio, a convert to the Free-Soilers from the Democratic ranks and also a new man in the Senate, spoke to the same purpose as Seward, but with a somewhat more defiant attitude toward the South. The remaining speeches added nothing in the way of principle or argument.

After several weeks of discussion the Senate reported the Compromise bill to a representative committee of 13, composed of Henry Clay as chairman and three members each from the Northern and the Southern Whigs and Democrats. Still there seemed to be no more immediate prospect of settlement at the opening of July than at the end of January. Seward's influence

[1] Even his panegyrist Rhodes admits that Webster was lacking in appreciation of the moral opposition to the extension of slavery into the new territory whether it could actually exist there or not (Vol. I, p. 153). Lincoln's position a decade later was dictated by higher principles.

with President Taylor was strong, and the administration would do nothing to favor the bill. The importunity of the Southern Whigs only stiffened Taylor in his resistance. Death broke the deadlock. On July 9 President Taylor succumbed to an attack of acute cholera morbus and was succeeded by Millard Fillmore, of New York, who was a friend of the Compromise. One by one the measures were put through Congress in the months of August and September, the Fugitive Slave Law finally passing the House in a session from which some 30 Northern members absented themselves in a cowardly fashion. The Compromise in its final form did not differ essentially from the plan proposed by Clay in January.

On the whole, it seems to the writer that the balance of favor inclined to the side of the South. The $10,000,000 paid to Texas for the relinquishment of territory to the east of the Rio Grande made that state a powerful factor in the later Confederacy. The new Fugitive Slave Act put the business of returning negroes into the hands of the federal government and encouraged its execution by favorable legislation. And the South won its contention for the entrance of the slaveholder into the new territory—the definite rejection of the Wilmot Proviso. On the other hand, the North secured the abolition of the slave trade in the District of Columbia and the admission of California as a free state. By the latter provision the balance between the free and the slave states, which had been maintained in the Senate since the days of the Missouri Compromise, was broken, and both branches of Congress were controlled by the free-soil states. Henceforth there were no more slave states admitted to the Union.

It is highly probable that the Compromise of 1850 postponed secession for a decade. By the advice of Calhoun a convention of Southern delegates had been called to meet at Nashville, Tennessee, in June. A number of radicals were determined to use the Nashville meeting for the publication of an ultimatum to the North. They believed that the moment for secession had come. But the strong pleas for union in the Senate and the reference of the Compromise measures to a mixed committee

tempered the disunion sentiment in the South. A few weeks before the convention met, the *National Intelligencer*, the administration organ at Washington, canvassed the Southern press and found but 50 out of 300 newspapers in the slave states in favor of a radical program at Nashville—and of those 50 many were "luke-warm" and "backing down." The great majority of the people of the South favored waiting for the results of the debates on the Compromise before taking action. When, therefore, the Nashville convention met in June, only nine states were represented, and 100 of the 176 delegates were from Tennessee. A small minority denounced compromise of any sort and declared that secession was inevitable; but the majority, after reasserting the doctrine that Congress had no power to exclude slavery from the territories of the United States and asking for the extension of the Missouri Compromise line to the Pacific (resolutions hardly consistent), voted to adjourn until after the session of Congress. A mere "rump" convention of 59 radical members reassembled after the passage of the Compromise. It passed resolutions urging the "assailed states" to adopt a policy of social and commercial boycott of the North. The South as a whole, however, accepted the Compromise heartily. Virginia, which had been ready to advise secession if the Wilmot Proviso passed, declared herself satisfied and counseled her sister state of South Carolina "to desist from any meditated secession on her part." The Missouri legislature condemned the Nashville convention as "tending to foment discord and alienate one part of the confederation from the other." A convention in Georgia declared that it would "abide by the Compromise as a permanent adjustment of the sectional controversy." The administration paper at Washington said that it "could fill a double sheet of 48 columns with extracts of joy and congratulations" from Southern and Western journals alone on the success of the Compromise measures.

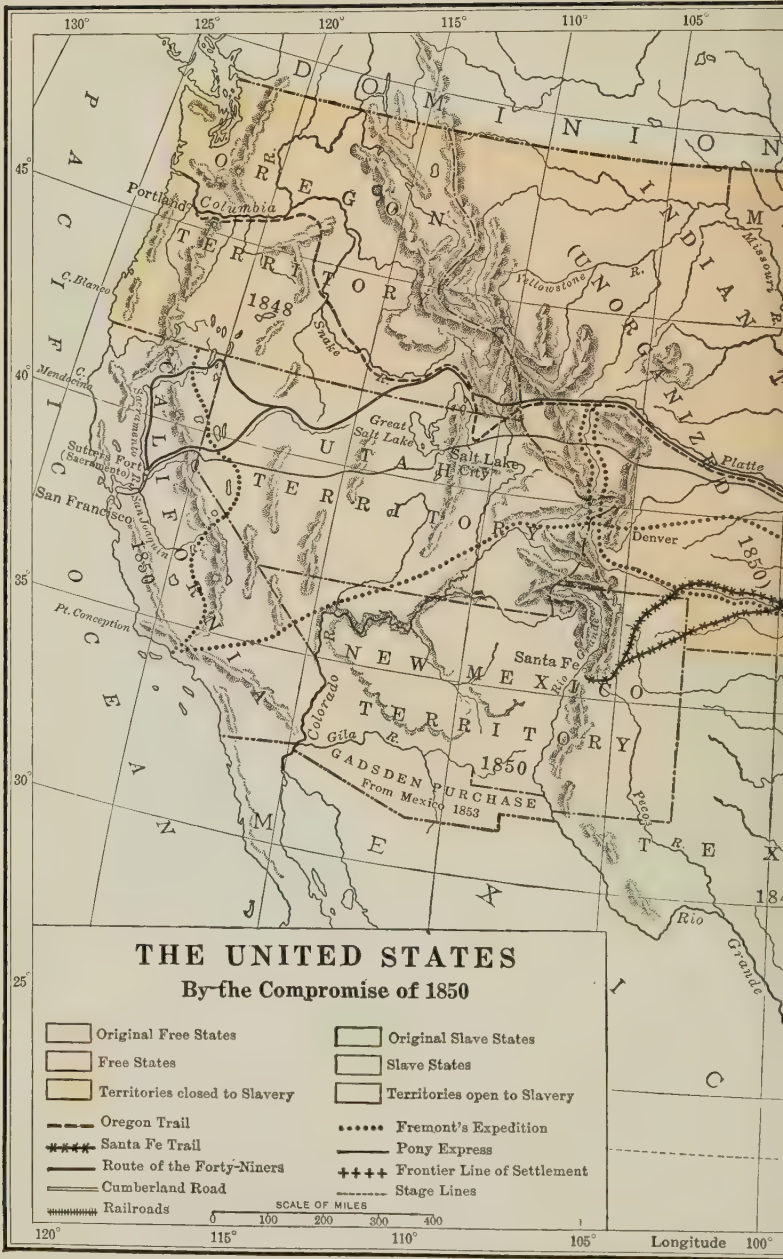
The cause for this general "joy and gratulation," which for the moment overbalanced disunion sentiment in even South Carolina and Mississippi, is to be found, no doubt, partly in the relief from the tension of the summer's struggle over the bills.

But the chief cause was the assurance given by Webster and Clay to the Union men of the South that the majority of the nation was ready to allow the slaveholder his constitutional rights. The indorsement of Webster's speech by the "solid citizens" of the New England and Middle Atlantic States was welcomed by the South as a rebuke to the abolitionists; while Clay, by his indefatigable labor, his tact and his charm, won over the Southern Whigs and the Westerners to the cause of union under the Compromise, leaving the radical South isolated.[1] It was the last and crowning service of the "great pacificator" to the cause of the Union. It is never permissible for the historian to say what would have happened in any instance had other counsels prevailed. But if secession had come in 1850 instead of in 1860, two things seem almost certain: first, that the North, not yet convinced of the extent of the slaveholders' demands, would have been more ready to acquiesce in the peaceful separation of the sections; and, second, that if war had come, the North would have had a far smaller margin of superiority in wealth, population, and resources.

The Compromise of 1850 was hailed as the final settlement of the slavery question. By the Missouri Compromise of 1820, the admission of Texas as a slave state in 1845, the erection of the free territory of Oregon in 1848, and the compromise measures of 1850 the status of slavery had been determined in every square mile of our domain from the Mississippi to the Pacific. When Congress met in December, 1850, Clay secured the signatures of 40 members to a paper declaring that they would support no man for public office who refused to abide by the Compromise. If only North and South would carry out the pact faithfully, there seemed to be no need for further trouble.

There was, however, one very disquieting element in the situation. In spite of pleas of men like Webster and Choate in the East and Cass and Douglas in the West, the people north of Mason and Dixon's line would not submit to the enforcement

[1] Professor Dodd, in his "Expansion and Conflict," suggestively compares this method of Clay's to that "by which Jackson defeated Calhoun in 1833" on the nullification issue.



THE UNITED STATES
By the Compromise of 1850

- Original Free States
- Free States
- Territories closed to Slavery
- Original Slave States
- Slave States
- Territories open to Slavery
- Oregon Trail
- Santa Fe Trail
- Route of the Forty-Niners
- Cumberland Road
- Railroads
- Fremont's Expedition
- Pony Express
- Frontier Line of Settlement
- Stage Lines

SCALE OF MILES
0 100 200 300 400

90°
85°
80°
75°
70°
65°
45°
40°
35°
30°
25°
C A N A D A
L. Superior
L. Michigan
L. Huron
L. Erie
L. Ontario
Ottawa
St. Lawrence R.
MAINE
1820
Augusta
Portland
N.H.
Boston
C. Cod
MASS.
CONN.
R.I.
WISCONSIN
1848
Milwaukee
Detroit
Buffalo
Albany
NEW YORK
Cleveland
Toledo
PENNSYLVANIA
New York
Trenton
NEW JERSEY
Philadelphia
Baltimore
Chicago
1846
Des Moines
ILLINOIS
1818
Springfield
INDIANA
1816
Indianapolis
OHIO
1803
Columbus
Cincinnati
Pittsburg
Harrisburg
Washington
Richmond
Norfolk
Missouri R.
Louisville
Frankfort
KENTUCKY
1792
Ohio R.
St. Louis
1821
Nashville
Cumberland R.
Roanoke R.
Raleigh
NORTH CAROLINA
C. Hatteras
TENNESSEE
1796
Memphis
Chattanooga
Charlotte
Wilmington
ARKANSAS
Little Rock
1836
Tennessee R.
SOUTH CAROLINA
Atlanta
Augusta
Charleston
Mississippi R.
ALABAMA
1818
Macon
GEORGIA
Savannah
Montgomery
Jackson
Vicksburg
LOUISIANA
1812
Baton Rouge
Mobile
Pensacola
Tallahassee
Jacksonville
St. Augustine
New Orleans
FLORIDA
1845
C. Sable
BAHAMA I.
TROPIC OF CANCER
CUBA
ATLANTIC OCEAN
GULF OF MEXICO
from
90°
Greenwich
85°
80°
75°

of the new Fugitive Slave Act. Of course, the abolitionists, who set their moral convictions above the law, were opposed to the return of any escaped slave, but the provisions of the new law made it odious in the eyes of thousands of moderates also. It was so heavily weighted against the fugitive that not even the free negro of the North could feel secure. No jury trial was allowed to the negro claimed as a fugitive. Master or agent had simply to present an affidavit before a United States judge or a commissioner, whose fee was doubled if he decided in favor of the claimant. The whole community was bound by the law to come to the aid of the commissioner as a *posse comitatus* to prevent the rescue or escape of the condemned fugitive, and the United States marshal was liable to a fine of $1000 and a civil suit for the value of the slave in case the latter got away or was rescued. Finally, the law was *ex post facto* (and therefore unconstitutional) in that it applied to slaves who had fled from their masters at any time—even years before. In the face of such a law it was inevitable that the "underground railroad" should redouble its activity, that citizens should refuse to come to the aid of the slave-catcher, and that negroes should be rescued from jails and courthouses and smuggled over the border into Canada. Mass meetings in the North condemned the act in language as strong and "seditious" as that used by the South against the Wilmot Proviso. They declared the act "null and void" and registered their intention to "make it powerless in the country" by an "absolute refusal to obey its inhuman and diabolical provisions."

Southern extremists too, in spite of their discomfiture at the Nashville convention and the manifest strength of the unionist sentiment in the elections of 1851, kept up the agitation for disunion. Governor Quitman of Mississippi, Yancey of Alabama, Rhett of South Carolina, and Bell of Texas were prominent in this movement. "Southern Rights" associations were formed, one in Alabama calling for a new Southern party and announcing that the state would follow any other Southern state into secession. But the extremists, both Northern nullifiers and Southern secessionists, were repressed by the moder-

ates as a dwindling group of irreconcilables. "The law will be upheld," declared Cass, "wherever the flag of the Union waves." In a word, the great majority of both sections were determined that the Compromise should be a *finality*.

The only hope for this was the preservation of the two great political parties as national organizations and the avoidance of their polarization into a Southern Rights party and a Free Soil party. Hence, in the campaign of 1852 both parties stood on the platform of the finality of the Compromise. There was no other important national issue, and it became simply a question as to which party could show the more cohesive organization and inspire the greater confidence in its fidelity to the common platform. Since the great Whig leaders Clay and Webster had been the champions of the Compromise, and the Whig president Fillmore had facilitated its passage, it would seem as if the Whigs should have been intrusted with its execution. But the Whig party was no longer the party of Henry Clay, who was on his deathbed when its convention met in June, 1852, and it had never been the party of Daniel Webster. Since the Mexican War the antislavery sentiment in its ranks had been steadily growing, as the influence of Seward testifies. Had the convention nominated either Fillmore or Webster, the Southern wing of the party would have been content; but the Fillmore and Webster forces refused to combine, and General Winfield Scott was nominated on the fifty-third ballot. The Whigs had won two elections with a military candidate, and now they hoped to repeat the triumphs of '40 and '48 with the "hero of Lundy's Lane and Chapultepec." But Scott was Seward's candidate and was suspected of a tincture of Free Soil principles. Leading Southern Whigs, like Toombs and Stephens, bolted the ticket. The result was the overwhelming election of Franklin Pierce of New Hampshire, whom the Democrats had nominated after a long struggle in their convention between Douglas, Cass, Marcy, and Buchanan. Pierce carried every state in the Union except Vermont, Massachusetts, Kentucky, and Tennessee, receiving 254 electoral votes to 42 for Scott. He was an amiable, colorless, and thoroughly "safe" man, pledged to

respect the Compromise of 1850. His election appeared to be the triumph of conciliation,[1] for the Free Soil vote of the North, which had been the determining factor in the two previous elections, shrank from 291,263 to 155,825. A less-noticed but more ominous fact was the decline of the Whig vote in the seven cotton states of the South[2] from 138,369 to 81,775. The disintegration of the great Whig party had begun.

For the sake of following the crisis of 1850 to its logical conclusion, we have passed over important and interesting diplomatic events of the mid-century, which must claim our attention at the close of this chapter. The year of Taylor's election was a year of general revolution in Europe. The French overthrew the Orleans dynasty and established the Second Republic. Liberal forces in the Italian states either drove out their Austrian despots or curbed them by written constitutions. The Prussian king, after revolution in the streets of Berlin, called an assembly to frame a constitution. Prince Metternich, who for a generation had been the leader of reaction in Europe, was forced to flee from Vienna, and the Hungarians rose in revolt against the domination of Austria, which they had endured for three centuries. The United States were in hearty sympathy with these democratic revolutions in Europe. Taylor sent an envoy to Austria in 1849 with instructions to recognize the Hungarian Republic as soon as it should be established. The mission proved futile, for Russian troops came to the aid of Austria in the ruthless suppression of the Hungarian revolt.

When the Austrian chargé d'affairs at Washington, the Chevalier Huelsemann, protested against the unfriendly behavior of our government, he was answered by Fillmore's Secretary of State, Daniel Webster (December 13, 1850), in a letter which did justice to the mid-century spirit of "spread-eagleism."

[1] I say "appeared," because a vote in the House (April 5, 1852) on the resolution that the Compromise should be accepted as a final settlement of the slavery question was carried by only 103 votes to 74.

[2] Namely: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Texas. The electors of South Carolina were chosen by the legislature of the state until after the Civil War.

Webster dwelt on the achievements of the American republic, its economic prosperity and political liberty, its commanding place among the nations, its power "spread out over a region . . . in comparison with which the possessions of the House of Hapsburg [were] but a patch on the earth's surface." The American people could not "fail to cherish always a lively interest in the fortunes of nations struggling for institutions like their own." Webster acknowledged that his "boastful and rough" letter was written more for home consumption than for Austria's correction. It was a contribution to the "finality" of the newly passed Compromise of 1850. The author of the Seventh-of-March speech wrote the letter of the thirteenth of December to "touch the nation's pride and make a man look sheepish and silly who should speak of disunion." Even Mr. Rhodes, Webster's stoutest champion, admits that the letter was "hardly more than a stump speech under diplomatic disguise" (Vol. I, p. 206).

Louis Kossuth, the leader of the Hungarian revolution, eluded the vengeance of Austria and took refuge in Turkey, whence he was brought to the United States. From the day of his arrival in New York, in December, 1851, to the day of his departure the next summer, he received a constant though waning ovation as he traveled through the states east of the Mississippi River. His impassioned pleas for downtrodden Hungary gave large audiences ample opportunity to relieve by tumultuous applause feelings which had been raised to the highest pitch of excitement over the slavery controversy. But when Kossuth came to reckon up the actual cash contributed to the cause of Hungarian freedom, he was sorely disappointed. He had collected less than $100,000. More had been spent on banquets and parades in his honor. Kossuth was formally received by both Houses of Congress and dined at the President's table, but the government was careful not to commit itself to any intervention in European affairs.

The other side of the Monroe Doctrine—namely, the protection of the American continent against the encroachments of European powers—was also a lively interest in the middle

years of the century. We have already seen (p. 415) what a large part the threat of such encroachment played in the Texan negotiations. Immediately after the Mexican War a critical situation arose in Central America. The British had established a protectorate over the Mosquito Indians of Nicaragua in the seventeenth century. In spite of the protests of Spain, and of the Central American republics after they had thrown off the yoke of Spain, Great Britain held on persistently and extended her authority until it covered most of the coast below the Mexican peninsula of Yucatan and the Isthmus of Panama. Our acquisition of California and Oregon had suddenly brought us to the Pacific, making the control of Central America, where for centuries canal routes had been projected, a point of vital interest. When British warships entered the San Juan River in Nicaragua and took possession of the fort of Greytown, in January, 1848, there was heated discussion in Congress on the question of our intervention. President Polk announced his firm determination to uphold the Monroe Doctrine (April, 1848). A few weeks later the President sent Elijah Hise as special envoy to Guatemala to "cultivate more friendly relations with the Central American states," and the Senate ratified a treaty with New Granada (now Colombia) which had been pending for two years, giving the United States right of way across the isthmus for road, railroad, or canal construction. Early in 1849 Hise negotiated treaties with Nicaragua and Honduras for the right of transit across those republics. Great Britain and the United States, each apprehending the other's desire to control Central America, engaged in tart diplomatic controversy, and each sought to seize a point of vantage in the region. They came to an agreement when Sir Henry Lytton Bulwer, who arrived in Washington at the close of the year 1849 as envoy extraordinary, suggested that the countries stop bickering over spheres of influence in Central America and agree on a common policy for a canal.

Taylor's Secretary of State, John M. Clayton, forthwith entered into negotiations with Sir Henry. On April 19, 1850, a treaty was signed, and on July 4 the ratifications of the two

governments were exchanged. The famous Clayton-Bulwer Treaty "for facilitating and protecting the construction of a ship canal between the Atlantic and Pacific oceans" pledged the two governments never to obtain exclusive control over such a canal, nor to erect fortifications commanding it, nor to colonize or acquire dominion over any part of Central America. They were to protect any company that should build a canal and to guarantee the neutrality of the canal when built. It was to be maintained "for the benefit of mankind on equal terms to all." In spite of the liberal terms of the treaty, trouble between the United States and Great Britain in Central America was not ended. Great Britain still held on to the Mosquito protectorate and Belize, and even annexed some islands off the coast of Honduras (1852). A British man-of-war fired on a steamer of the American Transport Company which refused to pay duties to the Mosquito government; and a year later an American vessel bombarded and destroyed the port of Greytown, where a mob had attacked the American consul. Had it not been for the rise of more important questions for both governments in 1854—the Kansas-Nebraska Bill and the Crimean War—the Central American issue might not have sunk so suddenly into insignificance.

A third topic of diplomatic interest in the mid-century was the attempt of certain people in the South to get possession, by fair means or foul, of the island of Cuba. Ever since the days of Thomas Jefferson there had been prophecies by the expansionists that "the pearl of the Antilles" must eventually be ours. At any rate, as our interest in the Gulf of Mexico grew through the acquisition of Louisiana, the cession of Florida, and the annexation of Texas, it became more and more obvious that the great island guarding the entrance to the Gulf must not be allowed to pass into the hands of a strong European power. When lands for the profitable employment of slave labor were growing scarcer and the balance of power of the free and the slave states in the Senate was broken, additional motives for the acquisition of Cuba were furnished. The island would make five fertile slave states, which would add ten members to

the United States Senate. The ardent annexationist Polk had ordered the American representative at Madrid to sound the Spanish government on the sale of Cuba for $100,000,000, only to be met with the reply that "rather than see the island transferred to any power [Spain] would prefer seeing it sunk in the ocean." The way of legitimate acquisition being closed, filibustering took its place. A Venezuelan adventurer named Lopez, who had lived in Havana, conceived the idea of "liberating" Cuba from Spanish rule. So popular was the project with the young men of the South that the government at Washington seemed powerless to enforce the neutrality laws. Meetings of sympathy with the filibusterers were held in Nashville, Baltimore, Cincinnati, and even in Philadelphia, Pittsburgh, and New York. Lopez had the encouragement of important men like Calhoun, Governor Quitman, and Jefferson Davis. He represented that "all Cuba was ripe for revolution" and that "the officers of the Cuban army had given written pledges to join the invaders." A first descent on Cuba in the spring of 1850 failed; but Lopez found his way back to New Orleans, where, after being acquitted of the charge of having violated the neutrality laws, he gathered a new expedition of nearly 500 men, comprising members of some of the best families of the South. Colonel Crittenden, the nephew of the Attorney-General of the United States, was second in command. Again the expedition proved disastrous (August, 1851). The invaders found no welcoming band of revolutionists in Cuba. Both Lopez, who had marched into the interior of the island, and Crittenden, who had remained on the coast, were captured and executed. Only a few men escaped. Those who were not killed in the skirmishes or who had not died of fatigue, fever, and starvation were taken prisoners, and of these over 150, most of them American citizens, were sent to Spain, ostensibly to be put to work in the mines.

When the news of the failure of the second Lopez expedition, with the cruel punishment of the victims, reached New Orleans, the people broke out into a riot. They wrecked the office of a Spanish newspaper, destroyed Spanish shops, mobbed the

Spanish consulate, defaced the portrait of the queen, and tore down the Spanish flag and burned it in a bonfire in the public square. Secretary of State Webster could do no less than apologize to Spain for the insult to her flag and frankly acknowledge the outrage which "was committed in the heat of blood." He assured the Spanish government that when a new consul should be sent to New Orleans, the flag of his ship would be saluted "as a demonstration of respect" and an apology "for the grave injustice done to his predecessor."

The Lopez incident was thus closed, but there was no modification in the South either of the resentment against Spain or of the desire for Cuba. President Pierce, who asserted in his inaugural address that he would not be "controlled by any timid forebodings of evil from expansion," seemed deliberately to invite an issue with Spain over Cuba by his appointment of Pierre Soulé of Louisiana as minister to the court of Madrid. Soulé had advocated the annexation of Cuba in the United States Senate and had spoken of the "heroic" Lopez and Crittenden as deserving "the praise that is freely accorded to Lafayette and Kosciusko." Even on his way to Spain, where it was intimated in the press that he would not be *persona grata*, he addressed a deputation of Cuban exiles and spoke of "the tyrants of the Old World." Soon after his arrival in Madrid an American merchant steamer, the *Black Warrior*, was seized by the authorities of the port of Havana (on the ground that her captain had violated an obsolete harbor regulation) and her cargo of cotton confiscated. Instructed to present our grievances to the court of Madrid, Soulé, in his excess of zeal, delivered an ultimatum. Unless reparation should be made within forty-eight hours, he said, he would ask for his passports. Secretary Marcy did not support Soulé in his extravagant demand, but ordered him to confer with Buchanan and Mason, our ministers to Great Britain and France respectively, on the best policy for our government to pursue in regard to Spain and Cuba.

The ministers met at Ostend, in the Netherlands, in the summer of 1854. Buchanan and Mason were both annexation-

ists, though more moderate than Soulé. They had both been members of Polk's cabinet, Buchanan as Secretary of State having made Spain the $100,000,000 offer for Cuba. Now, under the spur of the impetuous Soulé, they drew up the famous Ostend Manifesto. This remarkable document, after rehearsing the reasons why Cuba should belong to the United States, concluded with the statement that "if Spain, dead to the voice of her own interests and moved by pride and a false sense of honor, refused to sell Cuba," then, if her possession of the island "endangered the peace and existence of our Union," we should be justified "by every law human and divine" in taking it from her. Now was the moment, said Soulé, when France and Great Britain were involved in the Crimean War, for the United States to force Spain to yield up the pearl of the Antilles. It would be a great stroke of fortune for the slave interests of the South.

But a new situation had arisen in the United States. The battle between freedom and slavery in the Western territory had been reopened after four years of troubled truce. The cautious Marcy repudiated the Ostend Manifesto and forced Soulé's resignation by a dispatch of withering sarcasm. The Cuban incident was closed,[1] and the dreams of the Southern expansionists, roseate for a moment, were rudely broken by the voice of Stephen A. Douglas.

[1] In the summer of 1855 we quietly accepted Spain's tardy apology for the seizure of the *Black Warrior*.

CHAPTER IX

THE HOUSE DIVIDED AGAINST ITSELF

Unsettled questions have no pity for the repose of a nation.
JAMES A. GARFIELD

The Business Man's Peace

Confidence surrounded the handsome head of Franklin Pierce like an aureole as he stood before the throng at the eastern portico of the Capitol, on March 5, 1853, to deliver his inaugural address. His mandate to guide the American nation was the clearest since Jackson's triumphant election exactly a quarter of a century before. Conciliation was the platform on which he had run; harmony was the burden of his message. He spoke of the faith of the fathers in the destiny of our nation and congratulated the country on a steady expansion which had nearly trebled the stars in our banner. He gave comfort to the men who were casting longing eyes on Cuba and Nicaragua by the assertion that his administration would "not be controlled by any timid forebodings of evil from expansion." But at the same time he protested that "no blot should be suffered to mar our fair record," no act tolerated that could not "challenge a ready justification before the tribunal of the world." The Compromise measures of 1850, he declared, were "strictly constitutional and to be unhesitatingly carried into effect." The "perilous crisis" was safely passed, the slavery question was "at rest." He fervently hoped that no sectional ambition or fanatical excitement might again "threaten the durability of our institutions or obscure the light of our prosperity."

Yet, in spite of the new president's assurances, there was something ominous in both his words and his deeds. He leaned

visibly toward the South. He emphasized the constitutionality of "involuntary servitude" and called for a "cheerful" execution of the Fugitive-Slave Law. He had no word of rebuke for the "fire-eaters" of the Nashville convention, but threatened a "stern resistance" to the "morbid enthusiasm" of the abolitionists. His cabinet was almost wholly proslavery in its sympathies. The most influential member, Jefferson Davis, Secretary of War, was notoriously dissatisfied with the great compromise on which the administration claimed to rest. Not a man of antislavery views was sent abroad to represent the United States. Soulé and Mason, who went to Madrid and Paris respectively, were intense proslavery men, keen for the acquisition of Cuba. Buchanan, who was sent to the court of St. James, had pointed out to Pierce in 1852 that the president who secured the cession of Cuba would "render his name illustrious and place it on the same level with that of his great predecessor who gave Louisiana to the Union." Part of the results of the President's devotion to these Southern interests we have already seen in our last chapter; others will appear as our story proceeds in the next section. Here we must pause to consider the economic state of our country in the middle of the century.

When Pierce spoke of "the light of our prosperity," he struck the true note of the Compromise of 1850. It was a business man's peace. The country was tired of the protracted strife over slavery, which Benton had complained of, thirty years before, as infesting our public life like the plague of frogs in Egypt. The generation which had been vexed with the agitation over gag resolutions, the annexation of Texas, and the Wilmot Proviso witnessed at the same time a remarkable growth in the population and wealth of the United States. The census of 1850 was the first of those elaborate compilations which furnish the data not alone of our territory and population but of the moral, social, and industrial condition of our people as well—their religion and education, their newspapers and libraries, their charities and crimes, their occupations, wages, and profits, the yield of their fields and factories, the revenues

from their realty and commerce. The census of 1850 was at once an indorsement and a challenge. It justified the experiment of threescore years of political democracy, and it stimulated faith in the greater destinies awaiting the American republic. Longfellow's "Building of the Ship" was its dedication ode.

Our population had grown from a seaboard people of 3,929,214, when the first census was taken in 1790, to a continental people of 23,191,876. In 1790 we were equal in population to only the tinest powers in Europe, but by 1850 we had outdistanced them all except Russia, Great Britain, Austria, and France. The states of the Atlantic slope still held the majority of our people, but only by a narrow margin. More than 10,000,000 of our 23,000,000 were living in the great central basin of the Mississippi, with a scant 120,000 in California and Oregon. The greatest acceleration of growth was in the old Northwest Territory of 1787 and beyond the Mississippi in the new state of Iowa and territory of Minnesota. While the East increased but 10 per cent in population in the period of 1830–1850, and the South (including the new cotton lands of the lower Mississippi Valley) increased 40 per cent, the Northwest grew over 75 per cent in this score of years. This increase was due almost wholly to the rapid reproduction of our native stock, which was 90 per cent of British extraction at the time of Washington's inauguration. Early marriages and large families were the rule, especially on the frontier, where homesteads were easy to get and sons and daughters grew up to a life of wholesome toil crowned by the clearing of their own new farms still farther west.

No record was kept of the arrival of immigrants in America until Congress, by a law of 1819, required the collectors of customs in our ports to file with the Secretary of State the age, sex, occupation, and country of all foreign passengers landing in their districts. From the lists kept in the imperfect execution of this law it appears that during the decade 1820–1830 about 140,000 immigrants were added to the 200,000 who were estimated to have come since the foundation of our Republic. This insignificant immigration shot up, however, to 600,000 in

the decade 1830–1840 and to 1,700,000 in the following ten-year period. By the middle of the century some 2,800,000 (or 12 per cent) of our population were foreign-born. The causes of this recent influx of immigrants lay partly in untoward events in Europe and partly in attractive conditions in America. Political revolutions in 1830 on the continent of Europe broke the unstable peace which had followed the Napoleonic upheaval, and the introduction of the Industrial Revolution caused widespread disturbances in the field of labor. A total failure of the potato crop in Ireland in 1845, followed by a blight which destroyed the plants entirely the next year, brought the Emerald Isle to a pitiable state of famine and sent hundreds of thousands of her starving people to our shores. And, finally, the great revolutionary year of 1848 convulsed Europe from the Pyrenees to the Balkans. America was the Mecca for the destitute peasant and the exiled patriot. The leveling of the privileges of wealth, creed, and family by the spread of the Jacksonian democracy assured the immigrant welcome into a political fellowship in the New World. The expanding mills and factories of the East absorbed the labor of thousands; other thousands joined contractors' gangs to work on the newly projected canals and railroads; while the boundless lands of the West called the adventurous pioneer and the thrifty peasant, for whom life was not worth living unless he could see the sun rise and set on his orchards and grasslands.

About 300,000 immigrants came to America in the single year 1848—chiefly Germans and Irish. The former were land-lovers and set out for the Middle West, sometimes, unfortunately, lured to barren regions "on the faith of a lying prospectus," but generally following the line of instructions which were already appearing in the excellent guidebooks published in their home country. By the census of 1850 there were over 80,000 Germans in the states of the Northwest. The population of Cincinnati, Milwaukee, St. Louis, and Chicago still testifies to the great migration from the Fatherland in the mid-century. The Irish, on the other hand, remained for the most part in the cities on the Atlantic coast, where they soon dis-

played that aptitude for "practical" politics which has made the name of Tammany Hall at once a marvel and a byword. New York City alone had 133,000 Irish immigrants in 1850. Boston, Baltimore, Philadelphia, and the other coast cities followed according to their capacity, while many a New England town had its "Irish village."

The influx of large numbers of foreigners gave rise to serious political and social problems. Corruption and machine politics, lavish bribery in elections, a debased press pandering to prejudice and passion, to religious bigotry and race hatred, appeared in many quarters to an alarming degree. A bitter persecution was directed against the Irish, who, before the large influx of Italians and Poles, formed the bulk of our Roman Catholic immigrants. A "Native American" movement developed to combat the influence of the Catholic Church in our politics and to resist the efforts of that church to secure a share of the public funds for the support of its parochial schools. As early as 1834 a convent occupied by the Ursuline Sisters near Boston had been sacked and burned. Anti-Catholic rioters in New York attacked churches and dwellings in 1842, smashing the windows of the episcopal residence of Archbishop Hughes. Two years later the "Nativists" organized in the wards of Philadelphia for a systematic war against the Roman Catholics, declaring that "Popery" was "incompatible with free institutions." Excited men rushed out from heated mass meetings to attack the Irish in the streets. Catholic churches, schools, and shops were set on fire. The militia was called out three times before the riot was finally quelled, after the destruction of thousands of dollars' worth of property and the loss of a score of lives. The increased immigration of the later forties only added fuel to the flames. In 1850 the Nativists formed the order of the "Star-Spangled Banner," which grew within five years into the powerful political party of the "Know-Nothings," or "Native Americans,"[1] elect-

[1] The party had secret grips and passwords, like the Masonic lodges. When asked about it the members were ordered to reply, "I know nothing." We shall notice the political influence of the party in the next section.

ing governors and controlling legislatures in several of the states of the Union.

The boiling over of the "melting-pot," however, was after all only a sign of trifling disorder in the midst of the general prosperity in the America of 1850. Capital was abundant, and new opportunities for investment were opening on every hand. The discovery of gold in California in 1848, followed in 1851 by the uncovering of large gold deposits in Australia, provided an ample specie basis for a circulating medium proportioned to a rapidly expanding volume of business. Statistics carefully gathered for the first time in the census of 1850 showed that manufactures had already passed agricultural products in value, the respective figures for the year being $1,055,511,000 and $994,000,000. In the industrial region bounded roughly west and south by the Wabash, the Ohio, and the Potomac Rivers the number of mill and factory operatives was increasing by tens of thousands yearly. The annual production of flour and meal exceeded $100,000,000; cotton goods, lumber, and shoes each passed the $50,000,000 mark; and the value of leather, woolens, and machinery manufactured was between $25,000,000 and $50,000,000. The age of small production, supplying narrow local markets and preserving something still of the apprentice system, was definitely over. The extension of railroad-building, the use of anthracite coal for smelting,[1] low tariffs,[2] a swelling merchant marine, unbounded confidence and inventive

[1] There were but six anthracite furnaces in 1840. Fifteen years later the number had grown to 120, and anthracite had displaced charcoal as the chief smelting-fuel. Until 1844 we imported the rails for our 4000 miles of railroad from Europe, and in the year 1850 we turned out but 85,000 tons of iron. Before the close of Pierce's administration (1857) we were producing 180,000 tons annually. More than half of this product came from the Pennsylvania foundries.

[2] From the second war with England to the Mexican War the condition of the United States Treasury was fluctuating. A disordered currency, tariff controversies, wild speculation in public lands, and reckless state banking kept the public finances continuously disturbed. But after 1846 they steadied down. Prices of staples, like cotton and wheat, became more regular. Business gained confidence. A surplus of from $5,000,000 to $10,000,000 came into the Treasury annually under the Walker tariff of 1846 (the first of our modern "scientific" tariffs, with divisions into schedules).

ingenuity,[1] were some of the chief elements in our economic prosperity in the decade following the Compromise measures of 1850.

Although this period saw the transition from small manufactures to large-scale production, it was not yet marked by those glaring inequalities of wealth which characterize the industrial world in this later age of the "soulless corporation." Comfort, if not wealth, was widespread. Neither the capitalist at one end of the economic scale nor the laborer at the other end was so far removed in condition from the general public as to regard himself as a member of a "class" whose special interest must be savagely fought for at whatever expense to the ultimate consumer. A distinguished European engineer who traveled through the industrial parts of our country a few years before the Civil War was impressed with "the wide expanse and abundant resources" of the United States, but much more with the "absence of pauperism." "Nothing is more striking to a European," he wrote, "than the universal appearance of respectability of all classes in America. You see no rags, you meet no beggars."

Manufactures and shipping made the prosperity of the North. The West with its boundless lands was developing a varied agriculture, supplying food to the plantations of the South and raw wool and hemp to the factories of the East. Cotton was the wealth of the South. Year after year this staple had been increasing at the expense of farm products in the older states of the South and monopolizing the newly opened lands of the Gulf shore and the lower Mississippi Valley. The crop grew from 1,500,000 bales in 1840 to 2,500,000 bales in 1850. In the next decade it increased to 5,000,000 bales—seven eighths of the world's supply. But even this enormous yield did not fully meet

[1] The record of the Patent Office is a good index of American prosperity. During the first generation of our national history, patents averaged less than 150 a year. They grew to 544 by 1830, and the decade 1840–1850 saw the patenting of 5942 new American inventions, including the steam hammer, the sewing-machine, the telegraph, and the rotary press. In the decade 1850–1860 the patents jumped to 23,140, a number now exceeded every year.

the demands of the factories of Europe and the New England States. The average production per slave rose from 109 pounds in 1820 to 325 pounds in 1850. The steady trend of the negro population to the lower South,[1] an increase of 100 per cent in the price of sound field hands,[2] and the persistent effort of the great planters to reopen the African slave trade all show how completely the cotton interests dominated the life of the Southland. The section was an economic unit. Because the raw cotton sent abroad in 1850 constituted nearly 50 per cent of the exports of the United States,[3] and the bills of exchange were largely paid in imports to New York, Boston, Philadelphia, and Baltimore, the Southerners maintained that it was their plantations that were enriching the country. "Cotton is King!" they said. "In the 3,000,000 bags of cotton that slave labor annually throws upon the world we are doing more to advance civilization than all the canting philanthropists of New and Old England will do in a century."

Yet there was another side to the picture. The plantation system polarized society in the South. Of the 5,500,000 whites of that section only 350,000 were owners of slaves, and of these over 170,000 owned less than five slaves apiece. The great plantation lords, who monopolized the wealth of the South even more completely than the trust magnates monopolize the wealth of the country today, numbered not more than 5000 families. They naturally became a "caste," controlling the political, economic,

[1] For example, the 300,000 slaves in Virginia in 1790 had grown to but 450,000 in 1850, although the natural rate of increase would indicate a slave population of at least 1,500,000 at the latter date. On the other hand, the 30,000 slaves of Mississippi in 1820 increased to 150,000 by 1850, or more than double the number to be expected from census predictions. It is estimated that over 2,000,000 negroes were sent South from the border states of Virginia, Kentucky, Delaware, and Maryland during the decade 1850–1860.

[2] In 1845 a good negro slave was worth about $750. In 1858 seven slaves were sold at auction in New Orleans, without a guaranty, at an average price of $1538 apiece (W. E. Dodd, "The Cotton Kingdom," page 26).

[3] De Bow, in his "Statistical Review of the United States" (1854, p. 188), gives the total exports as $235,000,000, of which cotton formed $112,315,317, manufactures $21,296,498, flour $10,524,331, tobacco $9,219,251, and beef and pork $6,657,973.

social, educational, and religious life of the section. Diversity of profitable industry was lacking, and slave labor excluded the immigrant. The planter sold cotton to buy lands and slaves, to raise more cotton, to sell for more land and slaves. As the intensive cultivation of the crop exhausted the soil rapidly, the planters were always in search of fresh lands. Cuba and Central America tempted them with the vision of new slave states.[1] Measured not by the specious index of the exports of a staple commodity which enriched a few planters, but by the general diffusion of prosperity among its white population, the South was poor in 1850.

Over 60 per cent of the land in New England was improved, as against 27 per cent in the states south of Mason and Dixon's line. Land values in the free states averaged $25.30 an acre, to $9.28 in the slave states. Of the $1,019,107,000 worth of manufactured goods, $845,430,430 worth (approximately 83 per cent) were turned out by Northern plants. The cotton mills yielded a product worth $65,501,689, over two thirds of which came from New England. Virginia and Georgia alone of the slave states manufactured as much as $1,000,000 worth of cotton. The deposits in the banks of the cotton belt amounted to but $20,000,000 in 1850, showing a great lack of fluid capital. Only in new cotton regions was the return on capital as high as in the manufacturing and shipping states. The great sums which came into the Southern ports in payment for raw cotton did not remain as a fund for diversified investment. Such part as was not laid out in new lands and slaves was virtually held in trust for Northern capitalists and middlemen, through whom the imports to the South were handled. On the eve of the Civil War, New York City alone had twice as much money on deposit as all the states of the South together.

Much emphasis has been laid by historians of social conditions on the intellectual superiority of the North. A study of the census figures for 1850 confirms this judgment in some

[1] See pages 462–465 for designs on Cuba. The astonishing career of the filibusterer William Walker in Nicaragua is another chapter in the program of the slavery expansionists (T. C. Smith, "Parties and Slavery," pp. 252–253).

respects and corrects it in others. The public-school system of the North was far better developed and more liberally supported. In the free states 62,571 schools were allotted $5,794,499 of taxes and public funds, as against 18,407 schools with $1,230,999 in the slave states. But, on the other hand, the South had 120 colleges, with 12,602 students, to 119 colleges, with 15,119 students, in the North.[1] The total income from higher institutions of learning was larger in Virginia ($150,000) than in New York ($148,000), in Kentucky ($131,000) than in Ohio ($125,000), in Maryland ($112,000) than in Massachusetts ($107,000). Louisiana spent $25,000 of her public funds on colleges, South Carolina $41,000, and Virginia $90,000; while the figures for Massachusetts, Maine, and New York respectively were $5000, $6000, and $12,000. In the Southern states 72 daily newspapers were published, as against 182 in the North, New York alone having 51. Only 152 public libraries are enumerated in the slave states, to 1065 in the North, of which Michigan boasted 280 and Massachusetts 177. Among the 13,330,658 white inhabitants of the free states there were 449,816 illiterates (approximately 1 in 30), while 513,082 of the 6,222,418 whites of the South (about 1 in 12) could neither read nor write. The statistics of crime, however, tell another story. New York had 1288 convicts in her prisons on June 8, 1850, and Massachusetts had 1236; but the largest figures for the slave states were 423 for Louisiana and 313 for Virginia. Culture, like wealth, in the South was not diffused. It tended more and more to be the exclusive privilege of the planter class. The census of 1860 shows an increase of more than 100 per cent over the figures of 1850 in the income of the higher institutions of learning of the slave states, with little or no growth in the public schools.

The backward economic condition of the South was a matter of great concern to the men of that section. An address presented to a convention of the Virginia State Agricultural Society in 1852, referring to the census of 1850, said: "In the

[1] It must be remembered also that many Southern youth were educated in Northern colleges.

above figures we find no cause for self-gratulation. They show that we have not done our part in bringing the land into cultivation. . . . As other states accumulate the means of material greatness and glide past us on the road to wealth and empire, we slight the warnings of dull statistics and drive lazily along the field of ancient customs." Governor Wise, of the same state, wrote seven years later: "Commerce has long since spread her sails and sailed away from you. You have not as yet dug more than enough coal to warm yourselves at your own hearths. . . . You have not yet spun coarse cotton enough to clothe your own slaves." The Lynchburg *Virginian* wrote in 1852, "Dependent on England and the North for almost every yard of cloth, and every coat, boot, and hat we wear; for our axes, scythes, tubs, and buckets, in short, for everything except our bread and meat, it must occur to the South that if our relations with the North should ever be severed . . . we would be reduced to a state more abject than we are willing to look at even prospectively." "The finest ship timber in the world," said the New Orleans *Delta*, "is cut down and sent to Northern ship-yards thousands of miles off, where it is used in the construction of vessels, many of which come back here to engage in the transportation of Southern produce. In 1854 Maine built 168,632 tons of shipping, and Louisiana 1509 tons. North Carolina, which was one of the banner ship-building states in the early days of the Union, constructed but 2532 tons in 1854, to over 90,000 tons for Massachusetts." Economists like De Bow urged the building of mills and factories[1] and the appropriation of public money for the improvement of roads, rivers, and harbors. Commercial conventions, which were held frequently in the decade 1850–1860, proposed hundreds of measures for the economic salvation of the South; but no voice was raised in protest against the system which made all these proposals futile. Slavery must be not only maintained but ex-

[1] "A part of our force must be taken from the soil and put into the mills. Spindles and looms must be brought to the cotton fields" (J. D. B. De Bow, "Industrial Resources of the Southern States," Vol. I, p. 229). A large cotton mill at Sparta, Georgia, had to close down in 1855, after running three years.

tended. The industrial "drive" of the decade was a failure. On the eve of the war the South was manufacturing but 4 per cent of its cotton crop, and the magnificent iron and timber industries which now enrich the states of Alabama and Georgia were undreamed of.

No better index of the prosperity of the country at the accession of President Pierce could be found than the figures of the expansion of our commerce by sea and land. A number of events in the late forties had given encouragement to American shipping. The Walker tariff of 1846 inaugurated an era of moderate customs rates which lasted till the Civil War. The revolutions of the year 1848 in central and western Europe gave the opportunity that continental wars always furnished for the increase of American trade. The same year gold was discovered in California, and the great migration to the Pacific coast began. The only practical way for the transportation of freight was the long loop around Cape Horn. Within two years after the discovery of gold the fast California clippers were doubling the Cape and reaching the Golden Gate in a little more than a hundred days out from Boston and New York, sometimes earning enough by a single voyage to pay for the ship. Great Britain repealed the last of her Navigation Acts in 1850, and the lucrative trade of the East Indies was freely opened to the world. The ponderous and privileged old "Indiamen," at once passenger ships, freighters, transports, and men-of-war, gave place to the swift packet boats. Then an exciting rivalry began between the Yankee clipper and the new British vessel built on her model for the carrying trade in the tea and spices of the Orient.[1]

Following England's example of 1839 in subsidizing the newly projected steamship line of Samuel Cunard for carrying the mails, Congress voted in 1853 an annual subvention of

[1] A club of Boston merchants challenged the British shippers in 1852 to a race from England to China and back for a purse of $50,000. The Yankee clippers frequently beat the Cunard steamers in the run from Liverpool to Sandy Hook. Donald McKay's *Lightning* established a record of 436 sea miles in a day—which was not equaled by transatlantic steamers for twenty-five years.

$385,000 to Edward L. Collins, who put into service four paddle-wheel steamers which promised for a moment to transfer to the United States the supremacy of the sea-borne trade.[1] At the same time many new steamship lines were established along the Atlantic seaboard and down to Central and South America. The tonnage on the Great Lakes, which were rapidly being connected with the coast by railroads, increased from 75,000 to 215,000 between 1840 and 1850 and jumped to 611,000 in the next decade. According to a Senate Executive Document[2] the tonnage of our merchant marine in the year 1853 exceeded by 15 per cent that of Great Britain. The 5,353,868 tons of American shipping in the foreign and domestic trade in 1860 were not equaled until the opening of the twentieth century. Over 70 per cent of our foreign commerce in the decade 1850–1860 was carried in American ships.

Most wonderful of all was the development of the American railroads in the early fifties. Until the middle of the century short stretches of iron track served as feeders or binding points for centers of navigation on rivers and canals. In the twenty years since the venerable Charles Carroll of Carrollton had laid the foundation stone for the construction of the Baltimore and Ohio Railroad (July 4, 1828) less than 5000 miles had been built. But the years 1850–1857 saw the mileage increase to 20,000. The chief feature of this new era of railroad-building was the development of "trunk lines" connecting the Ohio and Mississippi valleys and the Great Lakes with the Atlantic seaboard. In May, 1851, the Erie railroad was opened, with telegraph wires along the road, from Piermont (near Nyack) on the Hudson to Dunkirk near Lake Erie, the event being celebrated by a trip of

[1] The steamers of the Collins line—the *Atlantic*, the *Pacific*, the *Baltic*, and the *Arctic*—made the voyage in nine or ten days, clipping about twenty-four hours off the Cunarders' time. But unfortunately the *Pacific* and the *Arctic* went down, and Congress, with a short-sightedness only too common in its dealing with an American merchant marine, withdrew its financial support after five years of the experiment.

[2] Of the Thirty-ninth Congress, second session, p. 201. A report to the Treasury Department on the progress of shipbuilding in the United States just after the Civil War.

Daniel Webster and the other members of Fillmore's cabinet over the entire 460 miles. The same year the Hudson River road reached Albany, and two years later the eleven independent roads between New York and Buffalo were consolidated into the New York Central. The Pennsylvania road, chartered in 1846, ran its first through train from Philadelphia to Pittsburgh in 1852, and the next year the Baltimore and Ohio reached its western terminus at Wheeling, on the Ohio. The year of Pierce's inauguration saw also the Grand Trunk line opened between Portland and Montreal, and the construction of the Cleveland-Toledo line along the Lake Shore, which established all-rail connections between Chicago and the East. In 1855 St. Louis and New York were joined by rail.[1]

Although the federal government was committed by long years of Democratic rule to opposition to internal improvements at national expense, so important was the demand for federal aid in railroad-building that Congress yielded so far as to grant public lands to the states, to be turned over to the railroads. Illinois received 2,595,453 acres in 1850 for the Illinois Central Railroad, which was to connect Chicago with the Gulf of Mexico. Mississippi, Alabama, Missouri, Arkansas, Florida, Louisiana, Michigan, Wisconsin, and Iowa were all recipients of large grants in the next half-dozen years. Altogether Congress donated some 20,000,000 acres in the decade 1850–1860. States, counties, and cities supplemented the federal grants, while bankers and promoters borrowed heavily from the financiers of London and Paris. It is estimated that some $450,000,000 of European capital was invested in American railroads on the eve of the Civil War. States like Illinois, Iowa, and Wisconsin were doubling in population each decade, and

[1] The *American Railway Times* gives the following statistics of mileage in the chief railroad states at the close of 1854: Ohio, 47 roads with 2927 miles; Illinois, 31 roads with 2667 miles; New York, 32 roads with 2625 miles; Pennsylvania, 69 roads with 1992 miles; Indiana, 39 roads with 1453 miles; Massachusetts, 39 roads with 1293 miles. Of the 16,500 miles built in the period 1849–1857 the distribution, according to the Miscellaneous Statistics of the eighth census, was as follows: Northwestern States, 7500; New England States, 4000; South Atlantic States, 2750; South Interior States, 2150.

the rapid rise in value of lands along their completed and projected lines made investment attractive.

As the East reached out to the West, the West reached out to the Pacific. Asa Whitney of Michigan was the pioneer promoter of a Pacific railroad. After laboring for ten years he got the House Committee on Roads and Canals to report favorably on a plan in 1852 to put at his disposal a strip of land sixty miles wide from the Mississippi to the coast, which he was to sell to settlers. Out of the proceeds he was to build a railroad and eventually refund the government ten cents an acre for the land. Nothing came of this ambitious scheme of Whitney's, but projects were multiplied for building the iron road where but lately the stagecoach line had been established.[1] The promoters of the hustling Northwest wanted Chicago for the terminal. The rival St. Louisans celebrated the Fourth of July, 1851, by breaking ground for a Pacific road and actually sent the first steam train west of the Mississippi over the few completed miles of track eighteen months later. The men of the cotton states hoped to link Memphis or New Orleans with San Francisco by a railroad passing through Arkansas, Texas, and New Mexico. In spite of his strict constructionist principles inherited from Calhoun, Jefferson Davis, Pierce's Secretary of War, found the authority, under the plea of "national defense," to promote the Memphis-Sante Fé scheme. James Gadsden, a railroad president of South Carolina, was made our minister to Mexico for the express purpose of purchasing the land south of New Mexico containing the lowest pass over the Rockies. He returned in the autumn of 1853 with the Gadsden Purchase of 50,000 square miles, acquired at a cost of $10,000,000. Congress went so far as to authorize surveys of routes at public cost, in the Rusk Bill of 1853, but all plans

[1] In 1851 monthly stages from Independence, Kansas, to Santa Fé were started, the stages built water-tight for fording streams. Frederick Law Olmstead tells in his "Journey in the Seaboard Slave States" (Vol. II, p. 5) of crossing a cypress swamp in a stage with holes bored in the floor. The passengers climbed to the top when the vehicle struck deep water, and came back to their seats after the flood had been drained off.

of peaceful expansion were adjourned by the approach of the great struggle between the North and the South.

The effect of this era of railroad-building, which carried the connections from the Eastern seaports to nearly a score of points on the Mississippi, the Ohio, and the Lakes, was momentous for our history. It revolutionized our economic and political geography. The old lines of trade ran north and south on both sides of the Alleghenies, by the coasting-routes and canals of the Atlantic seaboard and by the Mississippi River system. The agricultural products of the Northwest went down the river to Memphis, Natchez, Baton Rouge, and New Orleans, where they were sold to the planters or reshipped on Gulf or ocean steamers. In the early forties New Orleans was the fifth city in size in the country, and second only to New York in the export trade. Over 2000 steamers arrived at her levees annually, carrying half a million tons of freight, valued at $50,000,000. The total commerce of the "Western waters" was estimated at $100,000,000. But the coming of the railroad shifted the routes of trade. The barrier of the Alleghenies sank. After 1850, wheat could be brought from the Northwest by lake and rail to the Atlantic ports for 17 cents a bushel and flour for 80 cents a barrel. The region which had produced tens of millions of bushels of grain to feed the South now began to produce hundreds of millions to feed Europe. Our exports of grain, encouraged by the repeal of the Corn Laws in England in 1846, the abolition of the last Navigation Acts in 1850, and the interruption of the Russian wheat supply by the Crimean War, increased 158 per cent in the decade following Franklin Pierce's inauguration. By 1860 the export of grain from New Orleans had dropped to 2189 bushels, while 43,211,488 bushels were shipped eastward from the Lake Michigan ports alone. The once enormous export trade of the Queen City of the South was now confined to cotton, sugar, tobacco, and rice.

The political effect of this shifting of economic lines to run east and west instead of north and south showed more and more clearly in the ten years preceding the Civil War. Political allegiance tends to follow material interests. "In 1847 not a

line of railroad entered Chicago; its population numbered about 25,000, and its property valuation approximated $7,000,000. Ten years later 4000 miles of railway connected with all points of the compass a city of nearly 100,000 people, and property valuations had increased 500 per cent."[1] What was true of Chicago was true only in less degree of the other Lake cities,—like Buffalo, Cleveland, Toledo, and Detroit,—whose amazing growth during the decade 1850–1860 was due to Eastern capital and Eastern merchants, bankers, and promoters. With the invoices and bills of lading there went to these Western centers also the ideas and ideals of the East—Emerson's quiet enthusiasm for democracy, Whittier's quenchless love of freedom, Lowell's satire, and Greeley's scorn. It was only when the test of the sections came in 1861 that the full meaning of the shifting of the economic affiliations of the Northwest from South to East were realized—though penetrating Southerners saw them clearly and tried to hasten secession by a decade.

Other counsels prevailed. The vast majority of American citizens, North and South, determined that harmony must be maintained and the Union preserved. If the tone of confidence was pitched so high that it sometimes broke into querulousness, it was only the relief from the strain of a decade filled with strife. If the constant reiteration, in the fervid oratory of the period, of the impossibility of a dissolution of the Union seems rather to betray the anxiety which it denies, it was only a pardonable impatience that all Americans should leave the recent quarrel behind and devote themselves with zeal to the magnificent prospect ahead. The time was ripe for reaping the harvest of America's matchless material resources. The Treasury was full, commerce was expanding, cities were springing up, mills and factories were humming, banks were multiplying, credit was easy, and capital was abundant. The halcyon days had dawned. After the bitter strife of the Compromise year there was peace—the business man's peace. In his first message to Congress, in December, 1853, President Pierce spoke of "the

[1] Archer B. Hulbert, "The Paths of Inland Commerce" (Chronicles of America, Vol. XXI), p. 172.

sense of repose and security to the public mind" which had been restored to all parts of our country, adding, "That this repose is to suffer no shock during my official term, if I have the power to prevent it, those who placed me here may be assured." Less than fifty days later Pierce was closeted with Stephen A. Douglas, chairman of the Senate Committee on Territories, and a few other members of Congress in lending the executive approval to a measure which was destined not only to disturb the country's repose but to head it straight toward civil war.

The Repeal of the Missouri Compromise

That part of the Louisiana Purchase territory lying west and north of the states of Missouri and Iowa was known as Nebraska in 1850. It was a vast unorganized region of 485,000 square miles, larger than the combined area of all the free states in the Union excepting California. It contained less than 1000 white inhabitants, and our government had allotted to various Indian tribes large tracts in the smiling valleys of the Platte and Kansas Rivers. The overland migration to California, which had followed the discovery of gold, together with the nascent plans for a Pacific railroad, had brought the zone of this region immediately west of Missouri and Iowa to the public notice in the early fifties. A bill for the organization of the Nebraska Territory passed the House in the last session of Fillmore's term, but Congress expired (March 4, 1853) before a vote was reached in the Senate.

A few days after the assembling of President Pierce's first Congress, Senator A. C. Dodge of Iowa introduced a bill for the organization of Nebraska, which was referred to the Committee on Territories, Stephen A. Douglas chairman. The bill was reported on January 4, 1854, with the following fateful amendments:

Section 21. *And be it further enacted*, That in order to avoid all misconstruction, it is hereby declared to be the true intent and meaning of this act, so far as the question of slavery is concerned, to

carry into practical operation the propositions and principles established by the Compromise Measures of 1850, to wit:

First, that all questions pertaining to slavery in the Territories and the new States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives.

Second, that all cases involving title to slaves and questions of personal property are referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States.

Third, that the provisions of the Constitution and the Laws of the United States in respect to fugitives from service are to be carried into faithful execution in all the organized Territories the same as in the States.

It will be noticed that the Missouri Compromise, by which the land in question had been dedicated to freedom thirty-four years before, is not mentioned in the amendments, although it is practically annulled by their provisions. When Archibald Dixon, a Whig senator from Kentucky, announced his intention of introducing an amendment expressly repealing the Missouri Compromise, Douglas consented to the change. Only, knowing that it would arouse great antagonism at the North, he insisted on having the backing of the administration. This he obtained in the conference with Pierce mentioned at the close of the last section. The day after the conference (January 24) Douglas substituted for the Nebraska Bill a Kansas-Nebraska Bill, providing for two territories divided by the thirty-seventh parallel of latitude. It was the tacit understanding that slavery should go into the southern territory of Kansas and be kept out of the northern territory of Nebraska. The bill declared that "the eighth section of the act preparatory to the admission of Missouri into the Union" (a section excluding slavery from the Louisiana Purchase north of the line of 36° 30′) was "superseded by the principles of the legislation of 1850, commonly called the Compromise Measures," and was therefore "inoperative."[1]

[1] By a later amendment the wording "superseded by" was changed to "inconsistent with," and "inoperative" was changed to "inoperative and void."

S. A. Douglas

STEPHEN ARNOLD DOUGLAS

The opposition to the proposed repeal of the Missouri Compromise, which Douglas foresaw, was not slow in appearing. On the day after he introduced the Kansas-Nebraska Bill an address known as "The Appeal of the Independent Democrats" was published over the signatures of Senators Chase, Sumner, Wade, Smith, and De Witt. It denounced the bill as "a gross violation of a sacred pledge" and a "part and parcel of an atrocious plot to exclude from a vast and unoccupied region immigrants from the Old World and free laborers from our own States, and to convert it into a dreary region of despotism inhabited by masters and slaves." It declared that "the dearest interests of the people were made the mere hazards of a presidential game," the action of the Illinois senator being "a bid for Southern support in the next Democratic convention." The influential newspapers of the North condemned the bill. From mass meetings and state legislatures came stirring resolutions of protest. Douglas himself declared that he "could travel from Boston to Chicago by the light of his burning effigies."

But Douglas was not a man to be daunted by opposition. Aggressive, ingenious, confident, plausible, he always rose to his greatest heights as the fight grew harder. Almost unaided he met the arguments of Wade, Chase, Sumner, Seward, and Everett on the floor of the Senate day after day. He pushed his bill with relentless energy. The Compromise Measures of 1850 had lingered six months in Congress; Douglas put the Kansas-Nebraska Bill through the Senate in 39 days. In the early morning of March 4, 1854, after a final debate lasting seventeen hours, the vote was taken—37 for, 14 against. In the House the preponderating influence of the North delayed the bill for more than two months longer; but finally (May 22), under the skillful management of Alexander H. Stephens, it passed by the narrow margin of 113 to 100 votes. On May 30 President Pierce appended his signature.

The sinister credit for putting the Kansas-Nebraska Bill through Congress belongs to Stephen A. Douglas. The argument of his report and of his speeches on the subject was that the country, by the adoption of the Compromise of 1850, had

substituted the principle of "squatter sovereignty" for that of a geographical dividing line in the regulation of slavery in the territories. He boasted that the new principle was national, knowing no lines nor boundaries, no North nor South, whereas the old line of 36° 30′ sanctioned the division of the country into two permanently hostile sections. The North, he said, had refused to extend the line of 36° 30′ through the new territory acquired by the Mexican War, thus wisely abandoning the pernicious principle of the Missouri Compromise. He was now merely arguing for their consistent support of the new doctrine which had brought the happy solution of the slavery question in the Compromise of 1850. His bill, he maintained, was in strict accord with the pledges and platform of the triumphant Democracy of 1852.

But the spuriousness of Douglas's argument is obvious. There was no hint in the debates of 1850 that the Compromise Measures were meant to apply to any other region than the territory just acquired in the Mexican War, or to be erected into a "principle" to "supersede" any former legislation. The Northern votes necessary for its passage could never have been obtained on any such interpretation. Clay and Webster, to whose efforts the success of the Compromise of 1850 was due, would not have spoken a word in its behalf if they had supposed that it meant the repeal of the Missouri Compromise. Indeed, the chief argument of both these statesmen for the application of popular sovereignty to Utah and New Mexico in 1850 was that it actually would not mean the extension of slave territory.[1] Douglas had the audacity to argue that because the North refused to extend the line of 36° 30′ through the Mexican cession, which was free soil under Mexican law, it therefore had virtually consented to abolish the 36° 30′ line in the Louisiana Purchase territory! In other words, the rejection of the proposal to legalize slavery south of 36° 30′ in New Mexico was equivalent to the abandonment of the prohibition of slavery

[1] "They [Clay and Webster] bargained with slavery not for the purpose of saving it, but in the sure confidence that it would die a natural death."—Louis Howland, "Stephen A. Douglas," p. 93.

north of 36° 30′ in Nebraska. Douglas's crafty attempt to use the support of the names of the two great Whig leaders of 1850 for such logic was exposed by his adversaries in the Senate, especially by Edward Everett, who had been a close associate of Webster's, had voted for the Compromise of 1850, and was a member of Douglas's committee in 1854. However, Douglas's persistency and unrivaled skill in debate bore down all opposition. He had his way in the triumph which was eventually to wreck his own political career and to bring untold woes upon his country.

The motives which impelled Douglas to inject the fateful slavery amendments into the Nebraska Bill of 1854[1] have been the subject of much speculation among historians. The most widely accepted theory is that expressed by Mr. Rhodes (Vol. I, p. 430); namely, that "the action of the Illinois Senator was a bid for Southern support in the next Democratic convention." There is no doubt that Douglas was ambitious for the presidency. There is no doubt, further, that the men who would be his chief competitors for the nomination in 1856 were all courting the favor of the South.[2] But this is not enough to prove that Douglas sold himself to the South in 1854 for a mess of presidential pottage. In spite of his famous remark in 1849 that "the Missouri Compromise was canonized in the hearts of the American people," and of his prediction in the debate which followed that the land stretching from the Missouri to the Pacific would be free soil, he had no deep ethical convictions on the subject of slavery. Again and again we have his confession that he "didn't care whether slavery was voted up or voted down." He did care, however, a great deal about the organization of the Western territory, the quieting of Indian

[1] In all previous attempts to organize the territory of Nebraska (which began with a bill introduced into the House by Douglas himself in 1844) there is no hint of disturbing the Missouri Compromise.

[2] Pierce was hand in glove with Jefferson Davis. Buchanan was lending himself to the schemes for the acquisition of Cuba. Marcy was more cautious but not less willing. Cass was the arch-"Doughface"—the Northern man with Southern principles. Moreover Douglas had a handicap to overcome in that he was born in the abolitionist state of Vermont and was a farmer's son.

claims, and the choice of the middle Nebraska route for the projected Pacific railway, instead of the Southern survey which was being pushed by Jefferson Davis and other powerful friends of the administration (see page 480).

No other man had had so much of a hand in the organization of our trans-Mississippi territory as Douglas. As chairman of the House and Senate Committees on Territories he had reported the bills by which Utah, New Mexico, Washington, Oregon, and Minnesota had been erected as territories and Texas, Iowa, Florida, California, and Wisconsin had been admitted as states. It was expansion, not slavery, that he was interested in; and if he incorporated the slavery clauses in his Kansas-Nebraska Bill to make it palatable to the South,[1] it was certainly not with the intention of extending slavery and probably not primarily with the intention of gaining the presidency, but for the immediate object of getting the new territory organized. His mistake, or rather his moral failing,

[1] Professor P. O. Ray, in his monograph on "The Repeal of the Missouri Compromise" (1909), pointed out the immense importance of local politics in the Kansas-Nebraska Bill. In election of 1850 Thomas H. Benton had been driven by David R. Atchison (proslavery) from the seat in the Senate which he had held for thirty years. In his fight to regain his seat Benton appealed to the people of Missouri on the issue of expansion, urging them to settle on the Nebraska lands, where the bona-fide Indian allotments were scarce. Atchison did not favor expansion, because he regarded the Missouri Compromise as firmly established, and rather than have a new free territory to the west of Missouri (which was already bounded on two sides by free states), he would have no new territory at all. But Benton's insistence on the popular issue of expansion forced Atchison to change his position in order to escape the accusation of being indifferent to the demands of the Missouri frontiersmen. Driven thus to support a Nebraska bill, Atchison changed his position on the Missouri Compromise. It must now be repealed. As President pro tem. of the Senate he used his influence with Douglas to this end. Douglas himself had been absent in Europe when the bitter battle between the senator and the ex-senator of Missouri was being waged in the summer of 1853; and how little he thought of the revival of the question of slavery in the territories on his return, only a month before the opening of Congress, we may judge from a letter which he wrote to a political friend in Illinois outlining the important matters to come before the session. These were tariff reform, Treasury reform, river and harbor bills, revision of tonnage duties, grants for railroads, and the Pacific railway. Not a word about slavery or Nebraska!

was that he did not see that what to him was a minor and incidental element in the bill was just the crucial point of it for an increasing number of Northern men. "It is enough," says William G. Brown, "to decide that Douglas took a wrong course, and to point out how ambition may very well have led him into it. It is too much to say that he knew it was wrong, and took it solely because he was ambitious."[1]

James Ford Rhodes says that the Kansas-Nebraska Act "in its scope and consequences was the most momentous measure that passed Congress from the day that the Senators and Representatives first met to the outbreak of the Civil War" (Vol. I, p. 490); and John W. Burgess declares that the act was "probably the greatest error which the Congress of the United States ever committed, and the arguments by which it was supported were among the most specious fallacies that have ever misled the minds of men" ("The Middle Period," p. 405). Certain it is that with the passage of this act the day of compromise between the sections was over. "The Fugitive Slave Law did much to unglue the eyes of men," wrote Emerson, "and now the Kansas-Nebraska Bill leaves us staring." The importance of the act may be seen in its immediate consequences. It gave the finishing stroke to the Whig party as a national organization. Every Whig member of Congress from the states north of Mason and Dixon's line voted against the bill, and all but seven of the Whigs from the states south of the line voted for it. It drove thousands of Northern Democrats out of the party. It gave an immense impetus to the Free-Soil propaganda. "Pierce and Douglas," wrote Greeley in the *New York Tribune*, "have made more Abolitionists in three months than Garrison and Phillips could have made in half a century." The Anti-Nebraska men of all shades of opinion drew together to resist the extension of slavery into the territory long dedicated to freedom.[2] A year

[1] William G. Brown, "Life of Stephen A. Douglas," p. 88.

[2] The autumn elections of 1854 sent 117 Anti-Nebraska men to the House and reduced the administration Democrats from 159 to 79 members. "Of the forty-two Northern Democrats who had voted for the Kansas-Nebraska Bill, only seven were re-elected" (Rhodes, Vol. II, p. 67).

after the bill was passed the Democrats were confronted by a rapidly growing party whose platform was the subordination of every other political issue to the fight for the restriction of slavery. When Douglas reported his bill the Northwestern states were solidly Democratic. Every one of the senators from Indiana, Illinois, Michigan, Wisconsin, and Iowa, and all but five of the twenty-nine members from these states in the lower House, belonged to the party of the administration. The enormous influence of Douglas kept Illinois in the Democratic column for one more presidential election; but Michigan, Wisconsin, and Iowa went over to the new Republican party forthwith, and only Indiana remained permanently in the "doubtful column."

Moreover, the political revolution caused by the Kansas-Nebraska Act was the result of an apparently needless and wanton disturbance of the status quo of slavery in the Louisiana Purchase territory. The Democrats were securely established in power in every branch of the government. Unionist sentiment was victorious in the South.[1] President Pierce was pledged to the "finality" of the Compromise of 1850. Douglas himself had said on leaving the stormy session of the Compromise Congress that he never expected to make another speech on the subject of slavery.

Of course, one may say that two civilizations so hostile to each other could not long continue to exist side by side, especially when one was coming to be more and more a moral reproach in the eyes of the other; that if it had not been the Kansas-Nebraska Bill it would have been some other bill reviving the latent strife of the sections and revealing the futility of the compromise which men called final. Such speculations may comfort the philosopher and excuse in his eyes the human agents of fate or Providence. But for the historian a man is

[1] This does not mean that the South was at all converted to the doctrine of a "consolidated" government. The Unionist victory of 1851 was not a repudiation of states' rights. It signified only that the time was not yet ripe for a Southern "nationalist" movement. "To secede from the Union now," said Cheves of South Carolina, "would be to secede also from the South."

judged by his deeds. Whatever his provocation or his pretext, his temptation or his excuse, the fact remains that it was Stephen A. Douglas who undid the gates of Janus. And for this chiefly he will be remembered as long as our history is written.

While the Kansas-Nebraska Bill was still under discussion in the Senate, a group of Whigs, Democrats, and Free-Soilers met at Ripon, Wisconsin (February 28), and resolved that if the bill passed they would organize a new party on the sole issue of resistance to the extension of slavery. E. A. Bovay, the leader of the group, suggested in a letter to Horace Greeley that the new party should take the name of "Republican," and Greeley popularized the name through the columns of the *New York Tribune*. On July 6 several men of all shades of political opinion met in a grove of oaks on the outskirts of Jackson, Michigan, and formally launched the new Republican party. They adopted a platform declaring that slavery was "a violation of the rights of man" and of "the law of nature, which is the law of liberty." The history of the formation of our government, and the testimony of men like Washington and Jefferson, showed that it was "the purpose of our fathers not to promote but to prevent the spread of slavery," that the Constitution gave Congress "full and complete power for the municipal government of the Territories," that the repeal of the Missouri Compromise was an act "unprecedented in the history of our country" and "a wanton and dangerous frustration of the purposes and hopes" of the founders of this nation. They demanded the repeal of the Kansas-Nebraska Act, the repeal of the Fugitive-Slave Law of 1850, and the abolition of slavery in the District of Columbia. They recommended the calling of a general convention of the free states (and of such slave states as might wish to attend) to adopt nation-wide measures for combating the spread of slavery. They agreed to sink their political differences in the common fight for freedom and "to coöperate and be known as Republicans until the contest be terminated." They nominated a full state ticket and elected it the following November, together with three of the four Michigan congressmen and a decided majority in both

houses of the state legislature. The summer and early autumn of 1854 saw conventions in various other states (Maine, Vermont, Massachusetts, Ohio, New York) to organize political opposition to the Kansas-Nebraska Act. James G. Blaine said many years later that seven states claimed the honor of being the birthplace of the Republican party, as seven cities contended for the honor of Homer's birth. This very rivalry is a proof of the spontaneity and universality of the protest against the repeal of the Missouri Compromise.

The political upheaval caused by the Kansas-Nebraska Act resulted in one of the strangest temporary movements in our history. We have already noticed the rise of the Native-American, or "Know-Nothing," agitation in connection with the increasing immigration of the forties (see page 470). The disruption of the Whig party and the disgust of many Northern Democrats with the program of Douglas sent into the ranks of the "Know-Nothings" thousands of voters who had yet no organized Republican party to which to rally. They elected governors or legislatures in several states (New England, Maryland, Kentucky, California) and sent a respectable delegation to Congress. But a party founded on principles so un-American as those of the "American" party—secrecy, religious intolerance, and opposition to immigration—could never outlast a period of momentary and panicky confusion in our country. Furthermore, in the attempt to hold the "South Americans" and the "North Americans" together it split in its first and only presidential convention, of 1856. It is served merely as a kind of halfway house to detach Whigs and Democrats from their old allegiance. Like the frog in La Fontaine's fable, it burst in the effort to blow itself up to the size of a presidential ox.

Meanwhile events in the new territory of Kansas were furnishing a dismal commentary on Douglas's doctrine of popular sovereignty. Immediately after the passage of the act a battle for the control of the territory began. "Come on, then, gentlemen of the Slave States!" cried Seward; "since there is no escaping your challenge, I accept it in behalf of freedom. We will engage in a competition for the virgin soil of Kansas, and

God give the victory to the side that is stronger in numbers as it is in the right!" Eli Thayer and Amos Lawrence of Massachusetts organized the first Emigrant Aid Society to colonize the new territory. The first company of settlers, twenty-four in number, started from Massachusetts in the middle of July and finally pitched their tents on the banks of the Kansas River, where the free town of Lawrence sprang up. The New Englanders had to journey more than a thousand miles to reach the territory, but the proslavery men of Missouri had only to cross the border. This they did by the hundreds, forming societies of "Blue Lodges" or "Sons of the South," whose purpose was to defeat the schemes of the immigrants to "abolitionize Kansas." They founded the town of Atchison on the left bank of the Missouri River and announced in their improvised paper, *The Squatter Sovereign*, that they were ready "to lynch and hang, tar and feather and drown every white-livered Abolitionist who dared to pollute the soil of Kansas." When the first governor, Andrew H. Reeder of Pennsylvania, arrived in the territory in October, he found the stage set for a violent contest of vituperation, fraud, and murder which was to last for more than two years. Governor Reeder set November 29, 1854, as the day for the election of a territorial delegate to Congress. On the day before the election, Missourians began to pour into Kansas "with every kind of vehicle that could run on wheels and every horse or mule that could stand on legs." The "invaders" cast over 1700 votes for the proslavery candidate Whitfield, insuring his election by an overwhelming majority, and returned to their homes.

It was thus that "popular sovereignty" was inaugurated in Kansas. The government which was begun in fraud was continued in lawlessness and terror. Early in 1855 Reeder took a census of the territory, preparatory to the establishment of a legislature. The count showed a population of about 8500, of whom 2900 were males of voting age. Yet on election day (March 30) 6320 votes were cast (of which more than five sixths were illegal), and a proslavery legislature was elected. Summoned by the governor to meet at Pawnee, they defied his

authority, unseated the few Free Soil members who had been chosen, and moved to Shawnee Mission on the Missouri border, where they proceeded to enact laws (over the governor's veto) wholly favorable to slavery. Governor Reeder, whose only offense was his sincere effort to secure an honest election in Kansas, was removed by President Pierce in the midsummer of 1855 and went over to the antislavery party, by whom he was immediately chosen territorial delegate.

The Free Soil men, unable to cope with the Missouri immigrants, proceeded with their own program. Adopting the "California plan," they held a convention at Topeka in October, 1855, and framed a free-state constitution, which they submitted to the people for ratification in December. The proslavery men, of course, ignored the Topeka Constitution. It was adopted by a strictly Free Soil vote. Under it state officers were chosen and a legislature was elected to meet at Topeka on November 4, 1856. Thus Kansas had two governments—the "legal" one at Shawnee Mission, organized by fraud, and the "illegal" one at Topeka, representing the will of the majority of bona-fide inhabitants. President Pierce was distressed by the situation. The strife in Kansas, he told Reeder when the latter visited Washington in the spring of 1855, haunted him day and night. In his message to Congress in December he tried to dodge responsibility for the situation by declaring that nothing had happened in Kansas "to justify Federal interference"; but the next month he sent in a special message in which he took sides squarely with the proslavery party. He laid all the blame for the strife on the Emigrant Aid Societies, denounced the Topeka Constitution and the elections held under it as "illegal," and recognized the fraudulent legislature at Shawnee Mission as "the legitimate legislative assembly of the Territory."

When the free-state legislature met at Topeka in March, 1856, under the moderating influence of "Governor" Charles Robinson, it refrained from any acts of violence against either Pierce's new governor, Wilson Shannon of Ohio, or the territorial legislature which Pierce had recognized. It elected

Reeder and Lane as United States senators and appointed a commission to draw up a petition asking for the admission of Kansas to the Union as a free state. Nevertheless Judge Lecompton, of the first Federal District Court of the territory, virtually charged the jury to find indictments against Robinson, Reeder, Lane, and other prominent free-state leaders for "constructive treason." Every month saw the confusion increasing and civil war more imminent in Kansas. A committee of the House sent to the territory in April, 1856, to investigate the conflicting claims of Whitfield and Reeder to the delegate's seat, reported that there was no prospect of a fair election in Kansas without the presence of United States troops at every polling-place. Free Soil immigrants were pouring into the territory by the thousands. The Missourians, unable to hold the proslavery fort alone, appealed to the South for aid in the autumn of 1855, and in response detachments of several hundred men marched from Alabama, South Carolina, and Georgia into Kansas. Major Buford's Alabamians were armed by Governor Shannon and used as a Kansas militia. The free-state men fortified their capital of Lawrence. Under these circumstances the deed of violence which should lead to civil war was almost inevitable. It came with the cowardly attempt of some free-state man to assassinate the proslavery Sheriff Jones, as he rode into Lawrence to arrest a man for murder. In revenge the sheriff got control of the marshal's posse and excited a lawless raid "to wipe out Lawrence." Armed men entered the town on May 21, 1856, under banners bearing the mottoes and devices of various Southern clans, and proceeded to wreck the Free-State Hotel and the "abolitionist" printing-press and to pillage and burn private dwellings.

While the ashes of Lawrence were still hot an outrageous deed was perpetrated in the United States Senate. Sumner of Massachusetts had delivered a speech on May 19–20 called "The Crime against Kansas." It was a fierce attack on the proslavery leaders in the territory and their abetters in the South. Sumner singled out for the special victim of his venomous invective Senator A. P. Butler of South Carolina, who

was not present to reply. Late in the afternoon of the twenty-second, when Sumner was working at his desk in the deserted Senate chamber, Preston S. Brooks, a congressman from South Carolina and a relative of Butler's, walked up to the senator and, with a few words of justifiable reproach, struck him on the head with a heavy gutta-percha cane. Sumner, dazed, struggled to rise, wrenching the desk from its fastenings in his effort. But Brooks rained blow after blow upon him until he sank bleeding and insensible to the floor. Toombs, standing in the lobby, saw Sumner fall, and Douglas and Slidell, conversing in an anteroom, were told by a Senate page what was going on. But none of these men interfered to stay Brooks's murderous fury. A motion to expel Brooks from the House failed to get the necessary two-thirds vote. He resigned and was immediately reëlected by his district with emphatic testimonials of approval and with only six dissenting votes. Sumner was gradually restored to a moderate degree of health by the skill of European specialists, but it was not until December, 1859, that he was able to resume the seat in the Senate which the legislature of Massachusetts had kept vacant for him.

Still another deed of horror was crowded into the fateful week which saw the sack of Lawrence and the attack on Sumner. John Brown, a fanatical immigrant farmer from New England, brooding over the murder of free-state men in Kansas, proceeded on the night of May 24, with his four sons and three other associates, to the settlement of Dutch Henry's on Pottawatomie Creek, and, dragging five proslavery men from their cabins, hacked them to pieces. This unspeakable deed let loose civil war in Kansas. Bands of armed men marched up and down in the land, like the factional "armies" of a Central American republic. Farmers went in groups, armed to the teeth, to till their fields. No herd was safe from plunder and no house nor barn from the torch. Governor Shannon tried hard to restore order. He sent Colonel Sumner with United States dragoons to disperse the marauding bands, but the guerrilla warfare continued almost unabated. The passions roused at Lawrence and Dutch Henry's had to burn themselves out.

Eight days after the murders on the Pottawatomie the Democratic nominating convention met at Cincinnati. In the face of what was happening in Kansas it had the hardihood to declare in its platform that the principle of popular sovereignty "embodied the only sound and safe solution of the slavery question." Nevertheless, the delegates wisely refrained from nominating a man who could in any way be held responsible for the Kansas situation. Their prime task was to hold the Northern Democracy together. Therefore they passed over Pierce and Douglas and on the seventeenth ballot named James Buchanan, a mediocre man, whose eminent "availability" consisted in the facts that he was acceptable to the North, that he had been absent as minister to Great Britain when the Kansas struggle was precipitated, and that he was expected to carry his own pivotal state of Pennsylvania. John C. Breckinridge of Kentucky was nominated for vice president.

The convention of the new Republican party met at Philadelphia on June 17. Seward might have had the nomination, but he declined to let his name be presented, probably because he thought that defeat at the polls would injure his political career. He underestimated the chances of Republican success in 1856, and he knew that his pronounced hostility to the American party, his abolitionist views,[1] and his extreme Whiggery in New York politics would weaken his candidacy. Justice John McLean of Ohio, who had served on the Supreme Court since his appointment by Jackson twenty-six years before, was the choice of the more conservative delegates. But the candidacy of John C. Frémont of California had been carefully worked up for months before the convention. Frémont was a man of small judgment and almost no political experience, but his romantic career as the "pathfinder" of the Far West, his "conquest" of California, his youth and energy, all recommended him as a fit leader for a young and aggressive party. "The Frémont boom in the West," said Samuel Bowles, "went like

[1] Seward had publicly advocated the repeal of the Fugitive-Slave Law of 1850 and the abolition of slavery in the District of Columbia.

a prairie fire." The first formal ballot resulted in 520 votes for Frémont, 37 for McLean, and one for Seward. William M. Dayton of New Jersey was nominated as Frémont's running-mate, although Abraham Lincoln, a supporter of Judge McLean, received 110 votes for second place on the ticket on an informal ballot. The "Know-Nothings" nominated ex-President Fillmore.

The Republicans appealed to the country on a platform which embodied the principles of the Wilmot Proviso and the Free-Soilers of 1848. It was the "right and duty of Congress" to exercise its power of control over the territories of the United States by abolishing in them the "twin relics of barbarism," slavery and polygamy. The platform reviewed and condemned the shocking violations of law and order in Kansas, all "done with the knowledge, sanction, and procurement of the present administration." It demanded the immediate admission of Kansas to the Union under its free-state constitution. The Democrats knew that every day's prolongation of anarchy in Kansas injured their prospects for the autumn election. Senator Toombs of Georgia introduced a bill to secure "a fair and honest expression of the opinion of the present inhabitants of Kansas." Under the supervision of a commission of five men appointed by the President a careful census of the territory was to be taken; delegates to a convention were to be chosen, and they were to frame a constitution if the convention should vote it expedient for Kansas to seek admission to the Union at that time. The bill passed the Senate (33 to 12) on July 3; a few hours later the Republican House passed a bill, by the narrow margin of 99 votes to 97, for the admission of Kansas under the Topeka Constitution. Neither House would consider the other's proposal. The Senate bill was fair enough, but the Republicans maintained that the people of Kansas had already decided to become a free state. Moreover, they would not intrust the appointment of a commission to Pierce, whom they had condemned in their platform as the man responsible for the anarchy and violence in the territory. Douglas charged them with planning to keep the Kansas question unsettled in order to gain

votes. "An angel from heaven," he said, "could not write a bill to restore peace in Kansas that would be acceptable to the Abolitionist Republican party previous to the presidential election."

Congress having adjourned in August without bringing any relief in the Kansas situation, the President took the matter into his own hands. A new governor (the third in as many years) was sent out in the person of the able John W. Geary of Pennsylvania. The free-state leaders who had been imprisoned at the virtual behest of Judge Lecompton were released, and the unrighteous judge was eventually removed from the bench. All bodies of armed men except those authorized by the government were ordered to disperse. Federal troops were stationed at the danger points. At the end of September Geary wrote to Secretary Marcy: "Peace now reigns in Kansas. Confidence is gradually being restored. Settlers are returning to their claims. Citizens are resuming their ordinary pursuits, and a general gladness pervades the community." If the report was somewhat too roseate, there was enough truth in it to give heart to the Democrats in the approaching election. It should be noted in passing that Geary's work was accomplished "upon the point of the sword of the Union." It testified to the utter breakdown of the experiment of popular sovereignty in Kansas, the repudiation by the administration itself of the doctrine of "national irresponsibility."

Adopting the old slogan of the Free Soil party of 1848, "Free soil, free speech, free labor, and free men," and adding "Frémont and victory" with a shout, the Republicans went into the campaign with the fervor of crusaders. But their zeal outran their prospects, even as their cause was stronger than their candidate. It was inevitable that the Republican ticket should be a Northern one, and this wholly sectional ticket furnished the Democrats with their best campaign material.[1] From public men and the press all through the South came the awful warn-

[1] In the election of 1828 both the tickets had been "sectional"—Adams and Rush (Republican) from the North, and Jackson and Calhoun (Democratic) from the South. But Mason and Dixon's line was not yet a significant separator.

ing that the triumph of the "Black Republicans" would mean the immediate dissolution of the Union. Fillmore asked the Republicans how they could have "the madness or folly to believe that our Southern brethren would submit to be governed by Frémont." Conservatives in the North and South alike turned to Buchanan. Toombs, the old Whig leader in Georgia, who had proposed the conciliatory Kansas bill in the Senate, said that the object of Frémont's friends was to conquer the South. Rufus Choate, the prominent Whig statesman of Massachusetts, "turned his eyes from the consequences" which would ensue if Frémont should be elected. "To the fifteen states of the South," he said, "Frémont's government would appear an alien government"—worse than that, "a hostile government." Again, as in 1850 and 1852, the business interests and the more conservative men of the North, with whom the preservation of industrial peace and the political status quo counted for more than the support of a moral principle at the risk of certain agitation and possible dissolution of the Union, carried the day for the Democrats. Buchanan was sure of the votes south of Mason and Dixon's line (with the possible exception of Maryland and Kentucky, which were strong for Fillmore), and he needed only Pennsylvania and one other Northern state to win. The contest in Pennsylvania was hectic. The Democrats, North and South, poured large sums of money into the state, and the Republicans sent more than a thousand campaign speakers into the cities and towns from the Delaware to the Alleghenies. Buchanan carried the state by a margin of only 1025 votes in a total of 460,404. Indiana, Illinois, New Jersey, and California also went Democratic. In spite of the fact that Buchanan received 174 electoral votes to 114 for Frémont, the Republicans were far from discouraged. As a new party in their first presidential election, they had polled 1,314,264 votes against 1,838,169 for Buchanan, who had the backing of the old established Democratic party, in possession of all the patronage of the government. They believed that on the inevitable disintegration of the American party, which had been a temporary refuge for the undecided, the majority of Fillmore's 874,534 votes would

be theirs. They closed their ranks after the defeat and prepared anew for the battle, cheered by Whittier's marching-song:

> If months have well-nigh won the field,
> What may not four years do!

Buchanan was inaugurated on the fourth of March, 1857. Two days later the Supreme Court handed down the most famous decision in its history. The facts in the case were as follows. In 1834 an army surgeon stationed at St. Louis had moved, pursuant to the orders of the government, first to Rock Island, Illinois, then across the Mississippi to Fort Snelling, in the Louisiana Purchase territory. He took with him his negro slave, Dred Scott. Some years after the return to Missouri Dred Scott sued for his freedom on the ground that residence in a free state and on territory made free by the Missouri Compromise had released him from bondage. His suit was granted by a lower state court at St. Louis, but the decision was reversed by the supreme court of Missouri (1852). Meantime Scott had been transferred to a new master, John Sandford of New York, and proceeded to bring suit for his freedom in the federal circuit court of Missouri, as a citizen of one state against a citizen of another state. The court heard the case, thereby virtually conceding that Scott was a citizen of Missouri, but the decision of the jury was adverse to the negro. He was remanded to the status of a slave. Then the case was taken to the Supreme Court of the United States, on a writ of error, and argued in the spring and the winter terms of 1856.[1]

The Supreme Court had only one question to decide: Did the circuit court in Missouri err in its decision remanding Dred Scott to slavery? And in its argument it was bound legally to review only testimony on record in the circuit court. But the majority of the Supreme Court justices were Southerners, and at the instigation of Justice Wayne of Georgia they proceeded to render a decision covering the whole question of

[1] Of course the negro slave was not the author of all this litigation. A Mr. Roswell Field, a stanch antislavery lawyer from Vermont, gave his services gratis and secured the coöperation of Montgomery Blair in the federal courts.

negro citizenship and the status of slaves in the territories. They thought to put a quietus on the slavery controversy by the judgment of the highest tribunal in the land. Consequently Chief Justice Taney read a long and labored decision, as the majority opinion of the court, declaring that the negro was not a citizen in the view of the framers of the Constitution and that Congress had no power to make him such; that the circuit court of Missouri, therefore, had no jurisdiction in the case; that the laws of Missouri, not Illinois, decided Scott's condition so far as residence in *states* was concerned, and that, slaves being property, the Constitution protected their owners in all the *territories* of the Union. The Missouri Compromise, therefore, was unconstitutional. The regulation of slavery was beyond the power of the national government. Only when a territory became a state could it decide for or against the institution.

All of this famous opinion that went beyond the simple order to the circuit court in Missouri to dismiss the case for lack of jurisdiction—all the disquisition on the historical status of the negro and on the power of Congress over slavery in the territories—was beside the point, an *obiter dictum*, or volunteered commentary. It was a glaring example of the most debasing action that the judiciary can commit; namely, of lending its high and impartial authority to a political cause. And it added enormously to the indignation which the Kansas-Nebraska Act had aroused in the North. The strong dissenting opinions of Justices Curtis and McLean were accepted as the sound law in the case throughout the free states.

Each of the three departments of our government had now committed itself to the support of slavery and sanctioned the annulment of the Missouri Compromise. President Pierce had been subservient to the slave interests since the beginning of his administration. He had given his consent to the Douglas legislation and supported the fraudulent proslavery legislature of Kansas. In his last annual message, as in his first, he had rebuked the free-soil agitators and charged the North with "revolutionary assaults on the South's domestic institution."

Congress had opened the vast Louisiana Purchase territory north of 36° 30′ to slavery. And, finally, the Supreme Court had set the seal of the most august authority in the land on this policy of the nationalization of slavery, making the institution legal in every part of the country where it was not positively excluded by the municipal law of the states. The fathers had spared slavery, in the belief that it was an evil doomed to eventual extinction. The compromisers had suffered it below the 36° 30′ line, or conceded its theoretic right to go into the arid lands of New Mexico, in the conviction that the dedication of the major part of the territory of the United States to freedom would inevitably bring into the Union a succession of free states, leaving slavery to stagnate in a narrowing sectional area. But in the middle years of the decade 1850–1860 the slave power broke down the barriers of a generation and got the sanction of president, Congress, and Supreme Court for its claims to legal status in all our territory from the Gulf of Mexico to the Canadian border. The Southern leaders declared that henceforth slavery should be national and freedom sectional. The repeal of the Missouri Compromise was their defiant proclamation against any further humiliation by territorial restrictions or moral aspersions. It was a challenge to the free North, and it made the Civil War inevitable.

Secession

Like his predecessor, Buchanan began his term of office with the optimistic prediction that the end of the slavery agitation was in sight and that the country would soon happily return to questions of greater interest and importance. But like his predecessor he also made it evident from the start that the way of return was to be the path designated by the leaders of the South. No slightest sympathy or indulgence was shown for the anti-slavery position. The cabinet, though far inferior to Pierce's, was as decidedly Southern in cast. The senile indolence of Lewis Cass took the place of Marcy's alert and efficient conduct of the Department of State. Howell Cobb of Georgia, who was con-

sidered the master spirit in the cabinet, brought only disorder and deficit into the Treasury Department, which had been managed with surpassing skill by Guthrie of Kentucky. John B. Floyd of Virginia, in the War Department, was a sorry substitute for Jefferson Davis, who resumed his seat in the Senate to become the most able and eloquent advocate of the demands of the South. Neither Douglas nor any of his prominent supporters had a place in the cabinet, and in the distribution of the patronage the Northern Democracy was conspicuously neglected.

The first important crisis of the administration showed Buchanan to be a man of neither courage nor consistency. Strife in Kansas, as we have seen, had been allayed by the liberal employment of the federal authority (p. 499). But Governor Geary, like the men who had preceded him, found that a policy of conciliation in Kansas was met with suspicion by the free-state men, who mistrusted any agent of the administration which had supported the Shawnee legislature, and that an impartial policy was met with hostility by the proslavery men, who, as they dwindled from month to month in the face of the increasing migration from the free states, relied more and more on force to carry out their program. They played their last desperate card in the autumn of 1857. A convention called by the Shawnee legislature met at Lecompton to frame a constitution for Kansas. Since the convention had been called over the governor's veto and the elections to it were not based on a fair census, the free-state men refused to participate. The result was the choice of a unanimous proslavery convention by less than one eighth of the voters of the territory. In October, however, the free-state men (persuaded by Buchanan's new governor, Robert J. Walker of Mississippi, that the administration would deal fairly with Kansas) came to the polls and elected a majority of the new territorial legislature. The convention had adjourned to await the result of this election. Certain now that they could not get a proslavery constitution adopted by a fair vote in the territory, the members of the Lecompton convention resorted to a shabby trick. They com-

posed a constitution containing an article which declared the right to slave property and its increase inviolable and denied the prospective state the power to emancipate slaves without the consent of their owners or to prevent their entrance into the state.[1] It was this clause alone that was submitted to the people of the territory in December. A vote for the constitution "with slavery" would mean adopting the above-mentioned article; a vote for the constitution "without slavery" would mean rejecting it and prohibiting the entrance of slaves into the state. But a vote either way would mean the protection of the slave property already in Kansas, which was guaranteed in the body of the constitution. The chance to accept or reject the constitution as a whole—the only fair application of Douglas's doctrine of "popular sovereignty"—was not given to the people. Under these circumstances the free-state men naturally refused to vote in December, and the constitution "with slavery" was adopted by 6226 votes (nearly half of which were fraudulent) to 629. The next month (January 4, 1858) the new anti-slavery legislature submitted the Lecompton Constitution *as a whole* to the voters of Kansas, who rejected it by the overwhelming majority of 10,226 to 162. It was clear enough that a majority of the people of the territory wanted neither more slaves in Kansas nor those that were already there.

Now Buchanan had given ample assurance of his intention to deal fairly with Kansas. He had authorized his friend J. W. Forney, the Democratic manager in Pennsylvania, to make pledges to that effect in the critical campaign for the presidential election in that state.[2] He had prevailed on Walker to go to Kansas as governor by the promise of support in an impartial policy. As late as July, 1857, he wrote to Walker, "On the

[1] Another article forbade any amendment whatever of the constitution for seven years and prohibited forever any amendment which affected the "rights of property in the ownership of slaves."

[2] Rhodes (Vol. II, p. 229, note) quotes Forney in the *New York Tribune* of September 3, 1858, as follows: "There is not a county in Pennsylvania in which my letters may not be found, almost by hundreds, pledging Mr. Buchanan, in his name and by his authority, to the full, complete, and practical recognition of the rights of the people of Kansas to decide upon their own affairs."

question of submitting the constitution to the *bona fide* resident settlers of Kansas, I am willing to stand or fall." Yet when he sent in his first annual message in December he had yielded completely to the pressure from the Southern politicians. He declared that the Lecompton Constitution was legal, that the forthcoming vote on it would be held under legitimate authority, and that if any part of the inhabitants refused to vote, it would be their own voluntary act and they alone would be responsible for the consequences. When the result of the fraudulent vote in Kansas reached Washington, Buchanan sent the Lecompton Constitution to Congress (February 2, 1858) with a special message recommending the admission of Kansas to the Union under its provisions. He condemned as "treasonable" the refusal of the free-state men to vote on it. This change of front he made (as he afterward confessed to Forney) because "certain Southern states had threatened that if he did not abandon Walker [who resigned in disgust on December 15] they would be compelled either to secede from the Union or take up arms against him." A more craven deed was never committed by a chief magistrate of the United States.

Douglas protested vigorously against this travesty of popular sovereignty in Kansas and rebuked President Buchanan to his face. When the Lecompton Bill came before the Senate, Douglas was found voting with strange political bedfellows,—Hale, Seward, Wade, and Chase,—in the negative. Still, the bill to admit Kansas under the Lecompton Constitution passed the Senate on May 23, by a vote of 33 to 25. It was defeated in the House a few days later. The scheme to force slavery on Kansas against the wishes of a very large majority of its settlers having failed in Congress, a final attempt was made to bribe the people of Kansas to accept the constitution of their own will. William H. English of Indiana introduced a bill into the House, called the "Lecompton Junior," which provided that the whole Lecompton Constitution should be resubmitted to the people, and that its adoption should carry with it a large grant of public lands to the state, while its rejection should postpone any further bill for the admission of Kansas until the population

of the territory should reach the federal ratio of 93,000 inhabitants. The English Bill passed the House. But even then the double stimulus of a bribe and a penalty failed to induce the people of Kansas to accept the proslavery constitution. The plebiscite on August 2, 1858, resulted in a vote of 1926 for the constitution and 11,812 against it. So Kansas remained a territory, theoretically open to slavery by the Dred Scott decision but actually closed to it by the increasing preponderance of free-soil inhabitants, until the withdrawal from Congress of the members from the Southern states on the eve of the Civil War. On January 21, 1861, the turbulent seven years' history of the Kansas Territory came to a close with its quiet admission to the Union as a free state.

Already, before the final rejection of the Lecompton Constitution by the people of Kansas, the attention of the country was drawn to an exciting contest in another Western state. Douglas's second term in the Senate was about to expire, and he returned to Illinois in the summer of 1858 to make his canvass for reëlection. He was the most popular man in the country above Mason and Dixon's line. The Northern Democrats were with him to a man for his courageous opposition to the administration in the Lecompton affair. Many of the Republicans, even, favored his return to the Senate by the legislature of Illinois, believing that his complete breach with the Buchanan administration would make him a more effective foe to the slave interests and a more disruptive force in the Democratic party than any Republican whom they could nominate. Even Horace Greeley, in the *New York Tribune*, urged the Republicans of Illinois not to put up a candidate against Douglas. But the more clear-sighted Republicans were under no illusion that Douglas would come over to their position. They applauded his stand on the Lecompton Bill; but they knew that the man who had engineered the repeal of the Missouri Compromise, who expressed his hearty concurrence in the Dred Scott decision, and who repeatedly declared that he "didn't care whether slavery was voted up or voted down," so long as the people concerned voted honestly, could never be indorsed by a party whose funda-

mental tenet was opposition to the extension of slavery in the territories of the United States. So the Republicans nominated Abraham Lincoln to oppose Douglas in the campaign to win the legislature which was to choose the United States Senator from Illinois.

Lincoln, like Douglas, was a self-made man, born in poverty to a life of toil. Like Douglas he had moved to Illinois as a youth and had engaged in the practice of law. But the career of the two equally ambitious men was most unequal. While Douglas had rapidly attained high political honors in the state and served two terms in the House and two in the Senate at Washington,—always prominent, and since the death of Clay and Webster preëminent,—Lincoln's public honors had been limited to a few years in the Illinois legislature and a single term (1847–1849) in the House of Representatives. Although he rose steadily to be one of the best lawyers in Illinois, Lincoln became reluctantly convinced that Fortune had reserved all her favors for the "Little Giant," whom he had looked on as his rival for years. He confessed that he "was beginning to lose interest in politics," when the repeal of the Missouri Compromise roused him. Slavery had always been abhorrent to him. As early as 1837 he had protested, with one lone companion in the Illinois legislature, against a resolution that the right of property in slaves was "sacred" in the Southern states. He then placed on the records his opinion that slavery was "founded on both injustice and bad policy." During his term in Congress he had voted over and over again for the Wilmot Proviso. He now became an enthusiastic member of the new Republican party. By the summer of 1858 he was the most prominent Republican in Illinois, although outside of the state he was known, if at all, only as a clever lawyer with an inexhaustible repertoire of humorous stories, not always free from coarseness, and a rather melancholy and meditative nature, which was kindled to a clear, intense purpose by the appeal of injured innocence or the threatened triumph of injustice.

In his speech of acceptance of the nomination for the senatorship, before the delegates of the state convention at Springfield,

June 16, 1858, Lincoln stated the issue of the campaign with force and clearness: "We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to the slavery agitation. Under the operation of that policy the agitation has not only not ceased, but has constantly augmented. In my opinion it will not cease until a crisis shall have been reached and passed. 'A house divided against itself cannot stand.' I believe that this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward till it shall become alike lawful in all the states, old as well as new—North as well as South." Three weeks later Douglas was welcomed home with a magnificent reception in Chicago and began his canvass of the state in a special train gaily decorated. He knew in his heart that he had a dangerous antagonist in Lincoln, but he affected to treat him with patronizing condescension, as "a kind, amiable and intelligent gentleman." With characteristic effrontery he misrepresented Lincoln's prophecy of the cessation of the divided house as a plea for "a war of the sections until one or the other shall be subdued," and intimated that Lincoln's criticism of the Dred Scott case was an appeal from the decision of the Supreme Court of the land "to the decision of a tumultuous town meeting."

After several attempts to correct the persistent misrepresentations of his opponent, in a kind of hide-and-seek game, Lincoln suggested that they discuss the subject of slavery from the same platform in a series of joint debates. Seven towns were scheduled in different sections of the state. The debates were begun at Ottawa in August and closed at Alton, the scene of Lovejoy's murder, in October. The rivals spoke from a platform in the open air, before thousands, who turned out from all the houses in the towns and drove miles in buggies and carryalls from the farms around. But the real audience extended far

beyond the limits of Illinois. New England followed the debates with eager interest. Long extracts from the speeches were published in the papers of St. Louis, New York, and Cincinnati. The administration at Washington, on the other hand, for whom Douglas was a rebel and Lincoln a crude country lawyer, regarded the whole affair as a rather disreputable exhibition by "a pair of depraved, blustering, mischievous, low-down demagogues."

At first Lincoln appeared at a disadvantage, "with his thin voice, his awkward figure, his yellow dry-wrinkled face, his oddity of pose and his diffident movements," in contrast with Douglas's easy bearing and confident eloquence. But as the debates proceeded Lincoln's clarity of reasoning and honesty of mind told more and more against his rival's skill in debate. The directness of his answers to Douglas's questions and the searching character of the questions which he put to Douglas converted the latter's aggressiveness into defense. Lincoln showed the speciousness of Douglas's contention that slavery was one of those "local institutions" whose variety was one of the surest bonds of our Union. Slavery had never been anything but a source of strife, and the doctrine of popular sovereignty had been "a living, creeping lie from the time of its introduction till today." The "fathers" had not anticipated a permanent Union half slave and half free. They had endured slavery only because they had believed that it was destined ere long to pass away. It was not the abolitionists, as Douglas maintained, who had raised all the pother about slavery in the territories. It was Douglas himself, by his wanton repeal of the Missouri Compromise. "Why could you not leave slavery alone?" asked Lincoln.

He asked Douglas another question in the debate at Freeport, which made national history. "Can the people of a United States Territory, in any lawful way, against the wishes of any citizen of the United States, exclude slavery from its limits, prior to the formation of a state constitution?" If Douglas answered No, he would deny his pet doctrine of popular sovereignty; if he answered Yes, he would antagonize the dominant

politicians of the South, led by Jefferson Davis, who maintained that the only power that could deal with slavery was the municipal law of a state, and furthermore he would set the local authority of the territory above the Supreme Court, which had declared slavery legal in all the territories of the United States by the Dred Scott decision. Douglas answered the question in the affirmative and tried to wriggle out of the trap by declaring that although slavery might be "legal" in a territory, it could not actually exist for a day or an hour where the people enacted legislation "unfriendly" to it. That was the famous "Freeport Doctrine." It was a poor answer from the point of view of logic and was neatly paraphrased by Lincoln in the paradox that a thing might then be legally excluded from a place where it had a legal right to exist. But from the point of view of expediency it was the only answer that Douglas could give. For to deny the doctrine of popular sovereignty, which was emblazoned all over the state as his great invention, would have meant his sure defeat for the Illinois senatorship. Lincoln was looking beyond the Illinois senatorship, much as he wanted it. He knew that the answer which won that honor for Douglas would lose him the greater honor of the presidency of the United States. For the Southern Democracy, which had voted for Douglas's bill in 1854 for the sake of annulling the Missouri Compromise, had now advanced, under the encouragement of the Dred Scott decision, to the position that the national government should positively protect slavery, as it protected property generally, in all the common territories of the United States. Douglas won the senatorship by the narrow margin of eight votes in the Illinois legislature. Lincoln won a reputation throughout the North as the most able defender of the free-soil cause. After all, the climax of the contest was not the clever challenge to Douglas at Freeport but the fine ethical note struck by Lincoln in the closing debate at Alton: "Where is the philosophy or statesmanship based on the assumption that we are to quit talking about slavery and that the public mind is all at once to cease being agitated about it? Yet this is the policy that Douglas is advocating. . . . I ask you if it

is not a false philosophy. Is it not a false statesmanship that undertakes to build up a policy upon the basis of caring nothing about the very thing that everybody does care most about? . . . That is the issue which will continue in this country when the poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between two principles, Right and Wrong, throughout the world."

The elections of the autumn of 1858 saw decisive gains for the Republicans and the antiadministration Democrats. The former won 21 seats in the House, where, by coalition with the "Know-Nothings," they could outvote the Democrats. This result must be taken as a condemnation by the North of the Lecompton fraud, although the victory of the Republicans in Buchanan's own state was due largely to economic causes; for the low nonpartisan tariff of 1857 had hit the iron interests of Pennsylvania hard, and a severe financial panic which broke on the country in the autumn of 1857 brought its inevitable reaction against the administration. The panic was due to overspeculation, overextension of credit, the inflation of the currency by great quantities of gold found in California and Australia, and the excessive conversion of fluid capital into fixed capital in railroads, factories, and public works. The remarkable prosperity of the country, which we studied in the first section of this chapter, lasted for a full decade—from the passage of the Walker tariff in 1846 to the end of Pierce's administration. Our population increased from 23,000,000 to 30,000,000, the rate of increase in the cities being 78 per cent. In 1850 there were some 6000 miles of railroads, in short stretches of seldom more than 100 miles. It was impossible to go from New York to Boston or Albany without breaking the journey. Ten years later the mileage had increased to over 30,000, and New York was linked to points west of the Mississippi. Nearly 80 per cent of the total mileage of the country on the eve of the Civil War had been laid within a decade, at a cost of $700,000,000. "Premature railroads at the West," says Schouler, "had fostered premature cities, teeming with premature traffic for premature population." The customary wave of extravagant living fol-

lowed flush times. We went heavily in debt to Europe for imported luxuries. In the nine years from the discovery of gold in California to the outbreak of the panic the excess of imports over exports of merchandise was $336,000,000, and the excess of exports over imports of specie was $271,000,000. The liquid capital that was not being converted into fixed forms was going to Europe to pay our debts. The crash came in October, when the Ohio Life Insurance and Trust Company of Cincinnati failed for $7,000,000. Large business houses, banks, and factories closed their doors. Hundreds of thousands of men in the North and West were thrown out of employment, while inflated prices caused untold suffering.[1]

The panic of 1857 contributed not a little to the tension between the sections. While the Northern industries were paralyzed, the cotton crops of the South were large, the prices were well sustained, and the exports were mounting. "Cotton is King!" cried Hammond of South Carolina in the Senate. "When you came to a deadlock and revolutions were threatened . . . we poured in on you 1,600,000 bales of cotton just at the crisis to save you." "The wealth of the South," said De Bow, in his famous *Review*, "is permanent and real: that of the North is fugitive and fictitious." If anything was needed to confirm the South in its conviction that slavery was an economic blessing to be nurtured and extended at all costs, it was just this bitter experience of the North in 1857. Only the Southerners made the mistake of taking a temporary embarrassment for the breakdown of a whole industrial system.

There were many signs in the Congress which convened in December, 1858, that the South meant to brook no further restrictions on its peculiar institution. Frustrated in the hope of making Kansas a slave state, the South turned longing eyes

[1] Mayor Wood of New York recommended that the city purchase 50,000 barrels of flour and large quantities of provisions to be sold to the workmen at cost. Thousands of the unemployed marched in processions, bearing banners demanding work and bread, or met in mass meetings to denounce "the rich who lived at ease while the workers starved." It was deemed necessary to bring soldiers from Governor's Island to guard the Subtreasury building in Wall Street.

on Cuba, Mexico, and Central America. Slidell of Louisiana introduced a bill into the Senate appropriating $30,000,000 for negotiations with Spain for the purchase of Cuba, but in spite of the support of the administration he failed to get the bill through. Buchanan himself had asked Congress to support this project, speaking in his message of 1858, in language which recalled the Ostend Manifesto of four years before, of "circumstances which might make the seizure of Cuba justifiable under the law of self-preservation." The President also favored a protectorate over the northern part of Mexico and in 1859 actually suggested an invasion of the country for the sake of "restoring order." Leading Southerners, like Alexander H. Stephens of Georgia, were outspoken in their sympathy for William Walker, a noted filibusterer, who in 1856 had intervened in the civil wars of Nicaragua, expelled the dictator Rivas, and made himself president of the republic. When Walker was arrested by an American naval officer and brought to the United States to be tried for the infraction of the neutrality laws, no jury could be found in New Orleans to convict him. Of course the interest in Spanish America, under whatever form of "benevolent assimilation" it was disguised, was the quest for new slave lands. These plans came to naught, but the boldest of all the schemes of the Southern oligarchy was the reopening of the foreign slave trade. A commercial convention at Vicksburg, in May, 1859, resolved by a vote of 49 to 19 that "all laws, state or national, forbidding the African slave trade, ought to be repealed." It cost the planter from $1500 to $2000 to buy a first-class negro in Virginia or Kentucky, while he might have plenty from the Guinea coast for one third of that price. A score of American slavers were reported off the coast of Africa in the closing years of the decade, and when they brought their cargoes openly into the Southern ports, in defiance of the prohibition of 1808 and the Piracy Act of 1820, the juries refused to condemn their captains or owners. Hammond confessed in the Senate that the sentiment of his section was "not in accord with the laws of the United States on this subject." And Douglas is the authority for the statement that during the year

1859 no less than 15,000 African slaves were landed in the Southern states.

Every public question came now to be treated in Congress solely from the standpoint of its bearing on the great sectional issue. When the Northerners tried to get a Pacific railroad bill passed, Iverson of Georgia frankly acknowledged his belief that the Union would soon be divided, and refused to vote for a road which "would lie outside a Southern confederacy." When a Homestead Bill, granting Western lands to settlers on easy terms, was passed by the House (with only three favorable votes from the slaveholding states), it was shelved in the Senate. The Southerners saw in this measure giving "land to the landless" only national encouragement to the free-state emigration which had robbed them of Kansas. As the sectional strife grew more bitter, the tone of the debates grew more menacing: expostulation and protest stiffened into the demand of the ultimatum. Concession was looked on askance as incipient treason to the section. The press was unbridled in its language of vituperation. Sheets like the Richmond *Enquirer* and *De Bow's Review* spoke of the Northerners as if they were already the inhabitants of a hostile foreign country, calling them "the worst bigots on earth" and "the meanest of tyrants, who had never had the slightest conception of what constitutes true liberty."

Before the new Congress assembled in December, 1859 (the last Congress for more than a decade in which all the states of the Union were represented), an event occurred which was magnified far beyond its intrinsic importance, owing to the tense, nervous condition of the country. John Brown, the sinister hero of the Pottawatomie murders, brooding on his commission from God to put an end to slavery, conceived the wild scheme of carrying the war into the enemy's country with an "army" of nineteen men. His plan was to establish camps in the Piedmont region of the Appalachians, whence his followers could conduct raids on the neighboring plantations, to incite the slaves to desert their masters and join the ranks of freedom. Money and arms for this undertaking were fraudulently collected in the North, under the disguise of a renewed expedition against

the slaveholders in Kansas. Not more than four or five "choice friends" were in the secret of Brown's real purpose, although rumors began to get abroad in the summer of 1859, and the Secretary of War, Floyd, received an anonymous letter from Cincinnati, in August, warning him of the whole plot.

On the night of October 16 Brown's little band seized the Baltimore and Ohio Railroad bridge crossing from the Maryland side of the Potomac to the Virginia village of Harpers Ferry. They cut the telegraph wires, occupied the United States arsenal, and began the campaign of liberation by visiting the plantation of Colonel Lewis Washington at the dead of night, arresting the owner, and inviting his bewildered negroes to join the banners of freedom. The next morning the citizens of Harpers Ferry seized their arms. Brown, cut off from retreat to the Maryland side, barricaded himself with his followers and his hostages in the engine house in the armory yard, where he conducted a desperate defense. Colonel Robert E. Lee arrived on the scene in the evening with a band of United States marines, and on the morning of the eighteenth, when Brown refused to surrender, they battered down the doors of the engine house. Brown himself, severely wounded, and four of his followers were taken prisoners. Ten of his men had been killed in the "siege." The other four escaped. Brown was promptly tried in a Virginia court, found guilty of treason, and publicly hanged on December 2, manifesting the utmost composure to the end. Armed invasion in Virginia, like stealthy murder in Kansas, was "the Lord's work" in his eyes. Legality had no meaning for him. Prudence and failure were words unknown in his vocabulary. John Brown's raid at Harpers Ferry was a pitiable escapade of a fanatic with a handful of hypnotized satellites. But seen through the distorting medium of sectional hostility it assumed in the Southerners' eyes the dimensions of a widespread plot to incite a slave rebellion, supported and encouraged by the Republican leaders; while men as sane as Emerson, Theodore Parker, and Thoreau at the North glorified John Brown as a martyr and even compared him to Christ on the cross.

The year 1860 was the most fateful in our history, for it saw the house divided against itself. In the Congress which met three days after John Brown was hanged the Democrats still had a majority in the slowly changing Senate (37 to 26), but in the House there were 109 Republicans, 101 Democrats (of whom 13 were against the administration), 26 "Know-Nothings," and one Whig. The contest for the Speakership was an eight weeks' battle between the sections north and south of Mason and Dixon's line. John Sherman of Ohio was the most prominent Republican candidate, but failed of election because he had allowed his name to be used in the indorsement of a book entitled, "The Impending Crisis of the South, and How to Meet It," written by Hilton R. Helper, a poor white of North Carolina. While "Uncle Tom's Cabin" had attacked slavery in behalf of the abused negro, Helper's book denounced the oligarchy of the slaveholders as fatal to the progress of the millions of whites of the middle and lower classes in the South. Slavery must go in order to give the whites their rightful place in the economic and social life of the section, to introduce a varied industry and commerce, to foster thriving cities and free schools. It would have been a far more dangerous book than "Uncle Tom's Cabin" for the slave-holders, had the class for whom it was written been able to read its arguments and comprehend its statistics. Its chief use was as a campaign document in the North, where it was widely circulated. Its indorsement by prominent Republicans was regarded by the South as an insult.

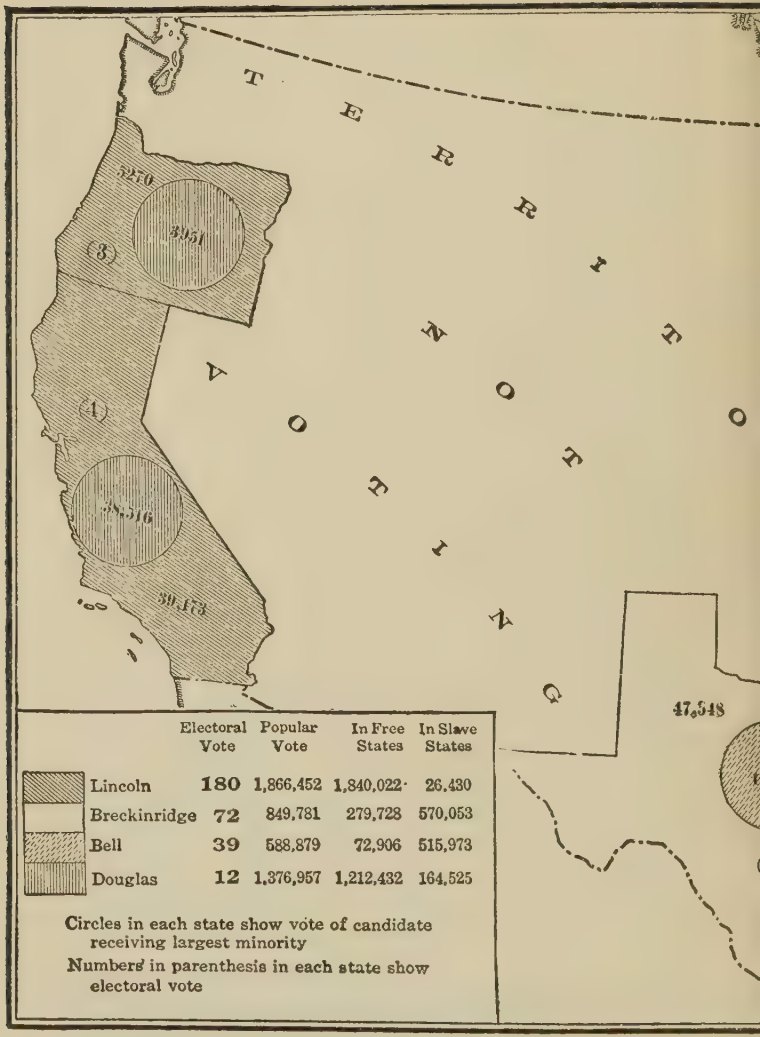
As the battle for the Speakership lengthened, the passions on each side grew fiercer. The Southerners charged Northern statesmen of the highest standing, like William H. Seward, with complicity in John Brown's raid. The Northerners met threats of disunion either with scorn, or with grim sarcasm as to the obvious disparity between "eighteen millions of men reared to industry, with habits of the right kind" and "eight millions of men without these auxiliaries." Taunts and insults were exchanged. Challenges to duels followed. Several times the House seemed on the point of indulging in a general fight. Senator Hammond wrote to Francis Lieber, in April, 1860,

"As I believe, every man in both Houses is armed with a revolver—some with two—and a bowie knife."[1] The representatives from North and South to the Congress of the common Union met rather in the spirit of the mutually suspicious delegations from the camps of Cæsar and Ariovistus!

On the first of February, 1860, Pennington of New Jersey was elected Speaker on the forty-fourth ballot. The next day Jefferson Davis presented in the Senate a set of resolutions which embodied the ultimatum of the radical leaders of the South and were intended as a platform on which any candidate for the presidential nomination in the coming Democratic convention must stand in order to be acceptable to the slaveholders. The Davis resolutions affirmed Calhoun's doctrine of state sovereignty, called upon Congress to protect slavery in the territories, demanded the faithful execution of the Fugitive-Slave Act, and denounced Douglas's Freeport Doctrine by declaring that "neither Congress nor a territorial legislature, by direct or indirect legislation, has the power to annul or impair the constitutional right of any citizen to take his slave property into the common territories and there hold and enjoy the same while the territorial condition remains."

The South had spoken through the mouth of the statesman who was destined in another twelvemonth to be called to preside over her fortunes as an independent confederacy. The answer from the North came from the man who was destined to bear the enormous responsibility for preserving the Union. Abraham Lincoln's fame had been growing steadily since his debates with Douglas. He had spoken frequently before large audiences in the Western states, but was not heard in the East until the Young Men's Republican Club of New York invited him, early in 1860, to speak in the great hall of Cooper Union. As he faced

[1] Thirty-five years later Mr. Grow of Pennsylvania, one of the candidates for Speaker in the exciting contest of 1859–1860, said to Frederick Bancroft: "During the period just before the War, every member [of Congress] intended to take his revolver as his hat when he went to the Capitol. For some time, a New Englander who had formerly been a clergyman was the only exception. There was much quiet jesting in the House when it became known that he too had purchased a pistol" (Bancroft, "Life of Seward," Vol. I, p. 503).

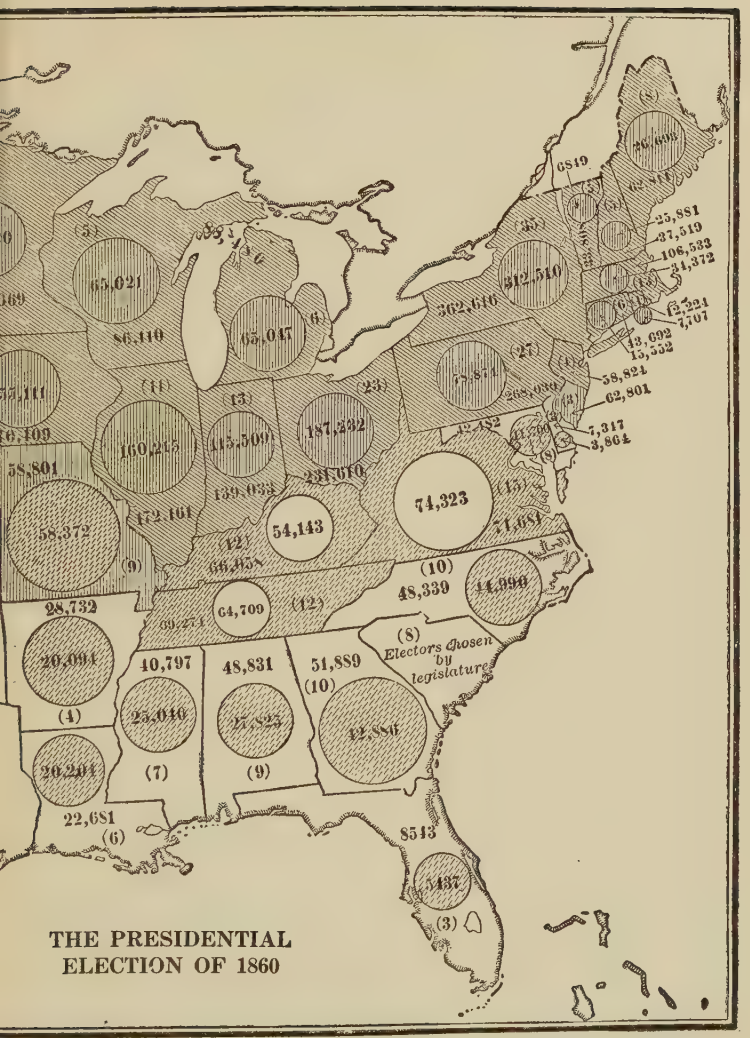


	Electoral Vote	Popular Vote	In Free States	In Slave States
Lincoln	180	1,866,452	1,840,022	26,430
Breckinridge	72	849,781	279,728	570,053
Bell	39	588,879	72,906	515,973
Douglas	12	1,376,957	1,212,432	164,525

Circles in each state show vote of candidate receiving largest minority

Numbers in parenthesis in each state show electoral vote

Map Plate, Patented July 5, 1921 · Method of Making Maps, Patented July 5, 1921



THE PRESIDENTIAL ELECTION OF 1860

his distinguished audience on the evening of February 27, his uncouth appearance in ill-fitting clothes, his awkward gestures and high-pitched voice, at first created an unfavorable impression. But this disappeared rapidly as he proceeded with masterly logic and burning conviction to unfold his thesis of the consonance of the Republican doctrine with the spirit and purpose of the men who founded the American State. He denied that it was the North who had brought the question of slavery into a new and dangerous prominence. It was the South, with its mounting demands, with its threat to destroy the government unless "allowed to construe and enforce the Constitution as it pleased," with its determination to "rule or ruin," with its ultimatum to the North "to cease to call slavery wrong and join [them] in calling it right." He concluded with a strong appeal to the party to stand by its principles in spite of false accusations. "Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it."

The Democratic nominating convention met at Charleston, April 23. Douglas was the unanimous choice of the Northern wing of the party, but his Freeport Doctrine had killed him in the South. He was regarded by the Davis following as no better than Seward—worse even, because he was a renegade. The committee on platform, by a vote of 17 to 16, adopted the Southern program condemning the doctrine of popular sovereignty. But the convention as a whole, in which the Northern delegates had a decided majority, rejected the platform and supported Douglas by a vote of 165 to 138. Thereupon the Alabama delegation, headed by William L. Yancey, reputed the first orator and the most decided disunionist of the South, left the hall. The majority of the delegates from Mississippi, Louisiana, South Carolina, Florida, Texas, Arkansas, and Georgia followed amid intense excitement, bidding good-by to their Northern colleagues in speeches of pathetic warning and dire prophecy. Only 253 delegates were left, and as a two-thirds majority of the whole convention was necessary to the choice of a candidate, Douglas failed to get the nomina-

tion in 57 ballots. On May 3 the convention adjourned, to reassemble at Baltimore on June 18. The bolting radicals of the South thus chose deliberately to split the great Democratic party and virtually assure the election of a Republican president rather than abide by the Douglas doctrine, which they had enthusiastically indorsed in their Cincinnati platform four years before. In June the convention at Baltimore nominated Douglas and Herschel V. Johnson of Georgia as the regular Democratic ticket, while the bolters, meeting in the same city, named John Breckinridge of Kentucky and Joseph Lane of Oregon.

Meanwhile two other tickets had been placed in the field. The remnants of the old Whig party, joined by the "Know-Nothings," met at Baltimore, on May 9, as the Constitutional Union party and nominated John Bell of Tennessee and Edward Everett of Massachusetts on a platform which sought to allay the bitter struggle over slavery by ignoring its cause. Their brief declaration consisted of three platitudes: "The Constitution of the country, the Union of the states, and the enforcement of the laws." Such a party at such a crisis could serve only as a refuge for the halting and the unconvinced.

The Republicans met at Chicago, on May 16, in a huge structure called the "Wigwam." Ten thousand people crowded into the hall, and other tens of thousands flocked to the city to clamor in vain for admission. It was generally expected that William H. Seward would be the nominee. He was the leader of the party in Congress and the most prominent exponent of the Republican principles in the country. It was to him that the Southern statesmen referred when they threatened disunion in case of the election of a "Black Republican President." But there were points in Seward's record which injured his availability. He was in the closest intimacy with Thurlow Weed, a powerful political manager in Albany, who was suspected of a deal with the traction companies of New York City to raise huge sums for the Republican campaign;[1] and he had the en-

[1] Seward's noisy supporters paraded the streets of Chicago with bands and banners, shouting, "If you do not nominate Seward, where will you get your money?"

mity of the influential Horace Greeley, of the *New York Tribune*, whose support was given to Edward Bates, a conservative Republican from the border state of Missouri. Again, Seward's intense hostility to the "Know-Nothings" weakened him in the doubtful state of Pennsylvania, where the remnants of that party were still strong. And, most serious of all, Seward had delivered a famous speech at Rochester, in October, 1858, on "The Irrepressible Conflict," in which he had spoken of a "higher law" than the Constitution—a position more radical than Lincoln's "house divided against itself."

Seward led, however, on the first ballot, with 173½ votes to 102 for Lincoln, 50½ for Cameron of Pennsylvania, 49 for Governor Chase of Ohio, 48 for Bates of Missouri, and 42 scattering. On the next ballot Seward had 184½ to 181 for Lincoln. Judge David Davis of Illinois, Lincoln's manager, was busy winning delegates from Indiana, Ohio, and Pennsylvania, promising cabinet positions without the sanction of Lincoln, and even against his direct instructions to make no pledges or promises. On the third ballot Lincoln's vote reached 231½, only 1½ short of the majority necessary for a choice; and when Cartter of Ohio announced the transfer of four votes from Chase to Lincoln, the nomination was made unanimous. Pandemonium reigned in the Wigwam and outside. Men hugged one another and wept for joy. The streets were filled with processions of hilarious men shouting themselves hoarse for "Honest Abe." Seward's chagrin was deep. "I am a leader," he wrote to his wife, "deposed . . . in the hour of organization for decisive battle." But in spite of his disappointment he rallied nobly to Lincoln's support.

The platform denied "the authority of Congress, of a territorial legislature, or of an individual to give legal existence to slavery in any territory of the United States,"[1] called for the

[1] This was a repudiation of the Dred Scott decision, and a departure as radical as the South's—but in a diametrically opposite direction—from the principles of 1820 and 1850, when Congress, with the support of the North, had sanctioned slavery in the Louisiana Purchase territory south of 36° 30′ and in the Mexican cession.

definitive suppression of the African slave trade, the admission of Kansas as a free state, the construction of a Pacific railroad, the passage of a homestead bill, the appropriation of national aid for river and harbor improvements, and the enactment of a protective tariff to encourage home manufactures. For all this variety of recommendation, the campaign was waged on a single issue. The question referred to the voters was, Is slavery right and to be extended, or is it wrong and to be checked? Yancey and Lincoln agreed in the statement of the dilemma.

When the state elections in Pennsylvania and Indiana went Republican in October, Lincoln's success seemed assured. Douglas, on hearing of the results, immediately started South to labor for the preservation of the Union. He spoke to large audiences in Missouri, Kentucky, Tennessee, Alabama, Georgia, and Virginia. To the question whether Lincoln's election would justify secession he returned an emphatic No! to the question whether the president would be justified in using force to preserve the Union he returned an equally emphatic Yes! He would "put the hemp around the neck of the first man who raised the arm of resistance to the constituted authorities of the country." But Douglas's action, however complimentary to his patriotism and courage, had as little effect on the rising tide of disunion as did King Canute's command to the waves. The legislature of South Carolina, which had convened on November 5 to cast the electoral vote of the state, decided, on the advice of Governor Gist, to remain in session until the results of the election should be known[1] and to prepare the state for any emergency "in view of the probability of the election of a sectional candidate by a party . . . hostile to our institutions and fatally bent upon our ruin." How Lincoln carried the election of November 6 will appear from a study of the map following page 519. The student should note the following facts: (1) Lincoln's popular vote was but 40 per cent of the

[1] South Carolina was the only state that still retained, in 1860, the early method of choosing the presidential electors by its legislature. This custom was abolished after the war.

whole; (2) Douglas, though he carried only one state and part of another, rolled up immense minorities in all the states of the North; (3) Breckinridge, the disunionist candidate, received but 44.7 per cent of the vote of the Southern states. The Democrats secured control of both Houses of Congress by rather narrow majorities (8 in the Senate and 21 in the House).

These figures could not be interpreted as a mandate from the Southern people to dissolve the Union, yet South Carolina proceeded immediately to the work. Four days after Lincoln's election her legislature called for a convention of the state to meet on December 17 at Charleston. On the twentieth this convention, by a unanimous vote of its 169 members, passed the famous Ordinance of Secession, declaring that the act of the convention of May 23, 1788, "whereby the Constitution of the United States was ratified . . . [is] hereby repealed, and the union now subsisting between South Carolina and the other states under the name of the United States of America, is hereby dissolved." On the same evening, in a ceremony of high rejoicing attended by the officials of the state and distinguished by all the beauty and chivalry of the capital city of the South, the delegates set their names to the fateful ordinance.[1] Following the example of the men of 1776, whom they believed they were imitating, the South Carolinians published a list of grievances with their "Declaration of Independence." If anyone is tempted by the postbellum interpretations of Alexander H. Stephens, Jefferson Davis, and others to believe that it was for the vindication of the theoretical doctrine of states' rights or the threatened privilege of self-government that the South seceded, he should read this manifesto of the convention of South Carolina. Every grievance mentioned in it is directed against the antislavery propaganda: the Personal-Liberty Acts, the formation of abolitionist societies, the condemnation of slaveholding as sinful, the encouragement to fugitive slaves, the recognition of negroes as citizens, the election of a president who declared that the

[1] The ceremony took place in Institute Hall, the same room where, eight months before, the Southern delegates, led by Yancey, had marched out of the Democratic convention. The first scene was the prelude to the second.

nation could not endure half slave and half free. "All hope of remedy is rendered vain," it concluded, "by the fact that the public opinion at the North has invested a great political error with the sanction of a more erroneous religious belief."[1]

Meanwhile the timid, vacillating Buchanan was floundering in a sea of indecision. The situation which confronted him when Congress met on the third of December was one of grave peril. Major Robert Anderson, with a garrison of only 64 men and with insufficient supplies of food and munitions, was stationed at Fort Moultrie in Charleston harbor, exposed to the attack of a hostile and rapidly arming community. No man doubted that the convention about to meet in a fortnight would declare the secession of South Carolina from the Union. The President's plain duty by his oath of office was to defend the authority of the United States. He should immediately and at any cost have sent food and reënforcements to Anderson and, declared in unequivocal terms, like Jackson's in 1832, his determination to collect the revenues and enforce the laws in every part of the Union. He had in his hands an able paper written by his Attorney-General, Jeremiah S. Black, defining his legal competency in these measures. But Buchanan, while feebly wishing to do his duty, was surrounded by counselors who boasted of "tying his hands." Three of the members of his cabinet (Cobb, Floyd, and Thompson) were secessionists at heart. Trescot of South Carolina, the Assistant Secretary of State, was assuming to direct negotiations between the Presi-

[1] It is true that R. B. Rhett of South Carolina on the same day published an address to the people of the slaveholding states in which he emphasized the tariff as the South's grievance. But this plea was disingenuous. Every member of the South Carolina delegation in the House had voted for the tariff bill of 1857, which was in fact the lowest in our history. Rhett himself confessed that the complaint relative to the tariff would be a better cause for secession to present to the European nations than a protest against the Personal-Liberty Acts. How well his clever ruse succeeded is shown by the fact that when W. E. Forster said in the House of Commons, in 1862, that he presumed there was no question that slavery was the cause of the war, he was interrupted with cries of "No, no, the tariff!" As a matter of fact, the provisional Confederate government at Montgomery continued the tariff of 1857 in force.

dent and Governor Gist of South Carolina. The advice of Winfield Scott, the general of the army, and the plea of Anderson from Fort Moultrie for a policy of reënforcement were ignored. Buchanan sent a "Constitutional essay" to Congress on December 4, instead of a ringing declaration of purpose. The upshot of the pitiable message was, in the witty comment of Seward, that "it is the duty of the President to execute the laws—unless somebody opposes him; and that no state has a right to go out of the Union—unless it wants to." Buchanan declared that the states must obey the laws of the Union—and added that he had no power to coerce them to do so. When the representatives from South Carolina in the House visited him a few days later, he promised them that he would not disturb the status quo in the forts in Charleston harbor so long as they were not attacked. Under this "truce," inaction continued week after week at Washington, while disunion sentiment at the South gained strength.[1]

During this critical month of December, Congress, to whose shoulders Buchanan would willingly have shifted the responsibility of the executive, was busy with plans for the reconciliation of the sections. An able committee of thirteen was appointed in the Senate, including Davis, Douglas, Wade, and Seward. The venerable J. J. Crittenden of Kentucky, the successor of Henry Clay, presented a scheme of compromise consisting of six unamendable amendments to the Constitution and four resolutions. The proposed amendments, besides protecting slavery in the states where it was legal, sanctioning the domestic slave trade, and guaranteeing payment by the United States government for escaped slaves, revived the 36° 30′ line of the Missouri Compromise and forbade the interference by Congress

[1] It would be hard to overrate the encouragement given to secession in other states than South Carolina by Buchanan's pusillanimous course. We have seen by the election figures that there was a considerable amount of Unionist sentiment in the South in November. By the end of the year it had practically disappeared. Yancey, in urging his state of Alabama to secede, could say: "I believe that there will not be power to direct a gun against a sovereign state. Certainly there will be no will to do so during the present administration."

with slavery south of that line. The resolutions called for the faithful execution of the Fugitive-Slave Law, the repeal of the Personal-Liberty Acts, and the enforcement of the laws against the African slave trade. The committee met on December 21, the day that the news of the secession of South Carolina reached Washington. Throughout the North there was a lively hope that the Crittenden Compromise might be adopted, especially in the financial and commercial circles, where there was much anxiety for the safety of large sums of money invested in the South. It is fairly certain that if a popular referendum had been taken on the Compromise it would have been adopted. But the committee could not agree. Davis voted with Seward against the restoration of the 36° 30′ line. The Republican members, supported by Lincoln, who wrote "Entertain no proposition for a compromise in regard to the extension of slavery," voted steadily in the negative. Their furthest concession was that slavery should not be disturbed in the slave states. On December 31 the committee reported that it had not been able to agree on any general plan of adjustment. A committee of thirty-three in the House met with no better success. Its only fruit was the recommendation of a constitutional amendment making slavery inviolable in the states where it was established by law. The amendment passed both Houses by the necessary two-thirds vote, but only two states took pains to ratify it.

Major Anderson, exercising the discretion given to him by verbal orders from the War Office, had spiked the guns of Fort Moultrie on the day after Christmas and moved his little garrison to the safer walls of Fort Sumter. The South Carolinians regarded this act as a breach of Buchanan's pledge not to disturb the situation in Charleston harbor, and three commissioners from the "sovereign state," who were in Washington to treat with the United States government "for the apportionment of the public debt and the possession of the forts and other property of the United States within the state," called on the President in peremptory terms to order the return of Anderson to Fort Moultrie. The bewildered Buchanan seemed about to yield to their demands when the Unionists of his cabinet, led by

Secretary of State Black,[1] virtually took control of affairs and compelled the President to uphold Anderson. "I cannot and I will not" was the new language in which he replied to the request of South Carolina that he withdraw the troops from Charleston harbor. It gave the North cause for rejoicing at the beginning of the new year.

Buchanan's supineness and the failure of Congress to reach any agreement gave strength to the secession movement, which moved rapidly with the opening of the new year. Between January 1 and February 1, 1861, conventions in the states of Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas, in the order named, passed ordinances of secession, generally by large majorities. Only in Alabama and Georgia was there a decided opposition to overcome, led in the latter state by Alexander H. Stephens, who had "not lost hopes of securing [our] rights in the Union," and was opposed to secession "as a remedy for anticipated aggression on the part of the Federal Executive or Congress."[2] Texas was the only state in which the convention submitted the secession ordinance to the people for a referendum; and the figures of the popular vote (37,794 to 11,235), contrasted with the vote in the convention (166 to 7) and with the large popular vote cast for the Unionist candidates Bell and Douglas in the November election, tempt one to speculate on the truth of the frequent statement that the people of the South were far ahead of their leaders in the desire for independence.[3]

[1] Cass had resigned on December 15, and Black had been moved up to his place. Edwin M. Stanton had succeeded to the Attorney-Generalship. Cobb had left his department of the Treasury December 8. Floyd had been forced to resign on account of crooked financial dealings, on December 29. Thompson remained in the cabinet until January 7.

[2] Stephens might well speak so, for he had a letter from his friend President-elect Lincoln, written December 23, 1860, assuring him that the Southern states need have no fear that the incoming administration would disturb slavery within their limits. Stephens should have made the letter public.

[3] Rhodes (Vol. III, pp. 276–279) collects a number of citations to show that the politicians of the South were far behind the people in secessionist sentiment. So many instances can be cited on both sides of such a question, however, that it is impossible to be sure of one's conclusions. Rhodes feels "an additional con-

The adoption of the Crittenden Compromise by Congress or of a Jacksonian policy in the White House[1] might have halted secession at the borders of South Carolina, though it is doubtful whether more than a brief postponement of the ultimate appeal to arms could have been accomplished. The difference between the sections was beyond any device of constitutional machinery to compose. There could be no enduring peace in our land until slavery was banished. Lincoln was right about "the house divided." Two civilizations confronted each other across Mason and Dixon's line, each convinced that it stood for the welfare of man and enjoyed the blessing of God; each convinced that the other was aggressive, faithless, and accursed. They no longer understood each other's language. Words like "honor," "right," "freedom," "citizen," meant different things to each section. The South asked the North to call an institution right which the North believed to be wrong. The North seemed to cast a stigma on the highest society of the South by regarding slavery as a blot on civilization and the slaveholder as a deliberate sinner. The South accused the North of being *sectional* and at the same time demanded that it should mind its own business and cease to "meddle" with an institution which the North looked on as a *national* disgrace. Inconsistency, misunderstanding, and passion ruled. "It would not be enough to please the Southern states," wrote James Russell Lowell in the *Atlantic Monthly* of January, 1861, "that we should stop asking them to abolish slavery; what they demand of us is nothing less than that we should abolish the spirit of the age."

fidence" in his statements "for the reason that the careful historians Von Holst and Schouler have come to the same conclusion" (p. 279, note). But these are just the two historians who would emphasize most the testimony to Southern disunionism.

[1] General Scott quotes from Southern papers the admission that there would have been no Southern Confederacy if his advice to strengthen the forts had been followed (Memoirs, p. 616). But the opinion of a few Southern editors was neither infallible nor representative.

CHAPTER X

THE CIVIL WAR

And when the step of Earthquake shook the house,
Wrenching the rafters from their ancient hold,
He held the ridgepole up, and spiked again
The rafters of the home.

EDWIN MARKHAM

THE RESORT TO ARMS

In spite of the critical situation in Charleston harbor and the perplexity of the administration at Washington; in spite of the failure of the congressional committees to agree on a plan of conciliation; in spite of the rapid secession of the cotton states in January and the formation of a Southern Confederacy at Montgomery, Alabama, on the fourth of February, 1861; in spite of the fact that the *Star of the West*, a merchant vessel carrying provisions from New York to Fort Sumter and flying the American flag at her masthead, had been fired upon and turned back by the batteries of Charleston harbor,—the great majority of the citizens of both factions refused to believe that the gates of the temple of Janus were really to be thrown open.

War was a horrid thought. The country was prosperous, and a hundred projects of industrial enterprise and social reform were stirring in the American mind. However severe the temporary setback of the panic of 1857, there was no effect of it visible in 1860. Our population during the decade had increased from 23,191,876 to 31,443,322—a gain of 35.59 per cent. The increase in the city population was 78.62 per cent. The farm, to be sure, still maintained its lead over the factory in 1860, when our agricultural products were valued at $1,913,000,000 (as much as farm products and manufactures combined in 1850), with manufactures running a very close second at $1,885,862,000. The output of woolen goods had jumped from $48,600,000 to

$73,400,000 and of cotton from $65,500,000 to $115,600,000 in the ten years. In 1850 iron rails to the value of $25,000 were manufactured; in 1860 this had increased to $105,000. The tonnage on the Great Lakes had grown from 215,787 to 611,398; the railroad mileage, from 9021 to 30,635. There were 50,000 miles of telegraph wires and 186,000 miles of post-roads. Over 2,500,000 immigrants had come to America during the decade. The 6 per cent government securities were selling at a premium of 17 points. In the summer of 1858 a cable had been laid on the bed of the Atlantic from Newfoundland to the British Isles, and a message of greeting had been exchanged between Queen Victoria and President Buchanan. The same year the "pony express" carried mail from the Missouri River to the Pacific coast in ten days, arousing renewed interest in a transcontinental railroad. Conventions were meeting to discuss women's rights, prison reform, temperance, free religion, and a host of other topics. The intellectual ferment out of which these various movements came was stimulated by a rich literature of idealism from Emerson, Lowell, Holmes, Whittier, Longfellow, Hawthorne, Curtis, Simms—the great essayists, historians, and poets whose names are the glory of American letters.

The people of the North and the border slave states were loath to accept the deadlock in the committees of conciliation. Petitions poured in upon Congress for the reconsideration of the Crittenden amendments. Public men in high station and influential newspapers declared their belief that an overwhelming majority of the country was in favor of their adoption. Let them be submitted to a plebiscite. The people with a mighty voice would decree peace where the legislators had failed. On the same day that the delegates from the seceding states met at Montgomery to form a Southern Confederacy, a peace convention was opened at Washington with the venerable ex-President Tyler in the chair. Over 150 delegates, representing 21 of the 33 states of the Union, labored for a month, with diminishing harmony, to devise an acceptable plan of compromise—"a Convention of Notables," as Lowell sneeringly called it, "to

thresh the straw of debate anew—the usual panacea of palaver." In the morning of March 4, a few hours before the end of the Thirty-sixth Congress, the proposals of the convention (not differing essentially from the Crittenden Compromise) were submitted to the Senate and received seven affirmative votes. The convention, like the committees, went its way "to a place in the great company of historic futilities." The only mouse that this mountain of conciliatory labor brought forth was a proposed thirteenth amendment to the Constitution, forbidding Congress to abolish or interfere with slavery in any state where it was established by law.

Material motives were mixed with nobler anxieties for peace. Is was estimated that $200,000,000 were owed by the Southern planters to Northern merchants and bankers. There was a movement of indignant irritability in financial and business circles that this persistent specter of slavery should rise like Banquo's ghost to cast its chilling presence over the scene. To use Benton's simile of thirty years before, it was like the Egyptian plague of frogs, infesting every nook and corner of our life. Robert C. Winthrop, a prominent "cotton Whig" of Massachusetts, expressed the sentiment of his class in the North when he deplored "the intemperate antislavery agitation" as "the source of a very large part of the troubles with which the country had been disturbed."

The determination of the aristocratic mercantile interests in the cities of the East not to let slavery interfere with business is strikingly illustrated by the case of New York. The Southern press besought the city not to "sacrifice her commerce, her wealth, her population, her character," by warring on her "Southern friends and best customers . . . at the bidding of Black Republican tyrants." When a newspaper editor from Georgia visited New York to make up the list of merchants whom the South should boycott or patronize according to their sympathies with slavery, he was flatteringly received by scores of prominent business men "who sought a place on the white list." Fernando Wood, the mayor, suggested in his message of January 7 that if disunion came, the city should declare

its independence and preserve its trade. According to John Forsythe of Alabama, one of the three commissioners whom the new Confederate government at Montgomery had sent North to "treat" with the United States, "200 of the most wealthy and influential citizens of New York had been approached, and were then arranging the details of a plan to throw off the authority of the Federal and State governments, to seize the navy yard at Brooklyn, the vessels of war, and the forts in the harbor, and to declare New York a 'free city.'" Russell of the London *Times*, visiting New York and dining with Seymour, Tilden, and Bancroft, said that their conversation and arguments left on his mind the impression "that according to the Constitution the government could not use force to prevent secession or to compel states which had seceded by the will of their people to acknowledge the Federal power."[1]

The pacifism of the idealist, the merchant, and the constitutionalist was reënforced by the views of the men who thought that the South was not worth fighting for and that a Union held together by force was not worth living in. The Garrisonian abolitionists were quite willing to let the South go. The Union that was left would be freed from a great curse and exonerated from complicity in disgraceful legislation like the Fugitive Slave laws and humiliating pronouncements like the Dred Scott decision.[2] At least up to the close of 1860 men of enormous influence spread abroad the doctrine of acquiescence in peaceable secession, which their later conversion to the policy of coercion could not wholly undo. Winfield Scott, general of the army, was for letting "the wayward sisters depart in peace." Henry Ward Beecher said, in a speech in Brooklyn on November 27,

[1] New York City had gone against Lincoln in the election by over 30,000, although he had carried the other great cities of the country (Philadelphia, Chicago, Boston, and even St. Louis).

[2] The horror of war formed the subject of Wendell Phillip's most dramatic orations. Whittier, the Quaker poet, sang:

> "They break the links of Union: shall we light
> The flames of Hell to weld anew the chain
> On that red anvil where each blow is pain?"

"In so far as the free states are concerned, I hold that it will be an advantage for the South to go off." Horace Greeley's editorials in the November issues of the *New York Tribune* insisted that no attempt must be made to prevent secession. "If the cotton states shall decide that they can do better out of the Union than in it, we shall insist on letting them go in peace. We hope never to live in a republic where one section is pinned to the residue by bayonets." "Five millions of people, of whom at least a half a million are able and willing to shoulder muskets, can never be subdued while fighting around and over their own hearthstones." This was the language of the Charleston *Mercury* and the Richmond *Enquirer*! Two days before South Carolina seceded an article in the *Tribune* spoke of "the idle gabble and monstrous gassing about revolution and civil war."

It is little wonder, with irresolution in the executive, deadlock in Congress, and confusion of counsel among the leaders of public opinion in the North, that the Southerners, with few exceptions, should have believed that they would be allowed peaceably to withdraw from the Union. Jefferson Davis, who was one of the first to warn the Confederacy that it must expect a long and bloody war, could say as late as January 21, 1861, on taking pathetic leave of his colleagues in the Senate, that he hoped that "peaceful relations might continue" between the two sections. The South knew the North as little as the North knew the South. Impassioned public speakers and editors of an extremely vituperative press had encouraged the belief that a great proportion of the Yankees were fanatical abolitionists filled with hatred for the South, hypocritical money-grabbers, and pharisaical meddlers, too cowardly to provoke a combat. In 1850 the North had been for a compromise which allowed slavery to extend into the territories of the United States. But the events of the decade, as they passed in rapid succession,—the Fugitive-Slave Act, the Kansas-Nebraska Bill, the Lecompton fraud, the Dred Scott decision, the Lincoln-Douglas debates, the John Brown raid,—had nurtured a grim conviction among the plain people, not fully sensed by the leaders on either side, that the test between slavery and freedom must come soon.

The surprised indignation of the South, when their determination to compel secession by the forcible seizure of Fort Sumter had crystallized Northern sentiment into a practically unanimous resolve to maintain the Union by arms, is well illustrated by a letter from Mrs. R. L. Hunt of New Orleans to her brother Salmon P. Chase, Secretary of the Treasury in Lincoln's cabinet: "Do not delude yourself or others with the notion that war can maintain the Union. Alas, I say it with a heavy heart, the Union is destroyed; it can never be restored. If, indeed, the Federal Government had frowned on the first dawning of disunion, things might have been different. But the United States suffered South Carolina to secede without opposition, and with scarcely a murmur of disapprobation. . . . All the Southern states, with the exception of Kentucky, Missouri, and Maryland, have joined the secession, and have formed themselves into a powerful Confederacy, with a government possessing all the usual powers of sovereignties, exercising entire and exclusive sway, legislative, executive, and judicial, within the limits of those states and dissolving all connection with the United States. Having thus by a revolution almost bloodless assumed and exercised the right of self-government, the Confederate States are now threatened with war and desolation if they do not abjure the government they have formed. . . . The time has passed for a discussion about the territories and fugitive slaves and the constitutional right of a state to secede. . . . Secession is *un fait accompli*. Disunion is a fixed fact. It is worse than useless to deny or attempt to evade this truth. . . . And how do the statesmen of the North, how do you, my dear brother, who should recognize facts as they are, propose to deal with this question? With sword and buckler, the rifle, the bayonet, . . . and all the dread instruments of war . . . ? With these you propose to subjugate the entire free people of the South, while you mock them with the declaration that your object is to maintain a Union which no longer exists. . . . You may for the moment have an advantage in wealth and numbers. But . . . the North is fighting for subjugation and domination, the South for liberty and independence. It is precisely like the

great Revolutionary struggle of '76 against the tyranny of Great Britain. . . . How can you expect victory in such a cause? . . . Surely eight millions of people, armed in the holy cause of liberty, . . . are invincible by any force the North can send against them. . . . Never were a people more united and more determined."

The government which Mrs. Hunt, with a rather premature optimism, speaks of as "exercising entire and exclusive sway" in the Confederate states was organized at Montgomery, February 4, 1861. It adopted a constitution patterned closely on that of the United States, but characteristically substituted the phrase "We, the deputies of the Sovereign and Independent States" for "We, the people of the United States." Although itself the result of the secession of "sovereign states," it declared the new Confederacy "permanent." It prohibited protective duties and the expenditure of public money for internal improvements. It guaranteed the recognition and protection of slavery in any new territory which the Confederacy might acquire, but, out of deference to the opinion of the civilized world, it forbade the African slave trade. It provided for a single term of six years for the president and gave him the power to veto separate items in appropriation bills. The members of the cabinet were recognized on the floor of Congress. Immediately after the constitution was framed, the provisional Congress[1] chose Jefferson Davis of Mississippi as president and Alexander H. Stephens of Georgia as vice president. They made provision for war by authorizing a military force of 100,000 volunteers to serve a year and a loan of $15,000,000 in 8 per cent bonds, levying an export tax of one eighth of a

[1] The convention which made the constitution acted as a provisional Congress for about a year. The first regularly elected Congress of the Confederacy met on February 18, 1862. The constitution had been ratified in the spring of 1861 by conventions in the seven seceding states, the total vote being 862 to 42. Exactly half the negative votes came from South Carolina, where the exponents of the extreme states'-rights doctrine protested against the features of "Southern nationalism" in the constitution. This vote was the harbinger of a struggle between the old Southern states of the Atlantic seaboard and the "consolidated" Confederate government which lasted all through the life of the Confederacy.

cent a pound on cotton to pay the interest on the loan. They turned over to the president the responsibility for getting possession of Forts Sumter and Pickens. They appointed three commissioners to Europe to seek recognition and alliances, and three to Washington to treat with their "late confederates of the United States" in relation to the public property and the public debts.

Meanwhile Abraham Lincoln was quietly but anxiously watching the progress of secession from his home in Springfield, Illinois. The awkward arrangement of our political system which allows four months to intervene between the election and the inauguration of a president has never had more unfortunate results.[1] While the Southern politicians were boasting of tying Buchanan's hands at Washington, Lincoln's hands were tied at Springfield. He was still technically only a private citizen, an Illinois lawyer. He could and did write to individuals, like Gilmer of North Carolina (whom he afterwards invited to fill a cabinet position) and Stephens of Georgia (who had been his colleague in the House in 1847), that he had no intention of withholding official patronage from slaveholders, that he "would be glad to see any laws of the states repealed which were in conflict with the national Fugitive-Slave Act of 1850," and that his administration would not interfere directly or indirectly with slavery in the states where it was established by law. "The South will be in no more danger in this respect," he wrote Stephens, "than it was in the days of Washington." But, after all, these were only private letters, which did nothing to allay Southern apprehensions; and Stephens did not see fit to make the correspondence public. In one matter only did Lincoln interfere during these four months to influence the counsels in Washington. On the very day of the secession of South Caro-

[1] Of course, in the original intent of the Constitution the delay was for the purpose of allowing the electors chosen in November to meet and select a president. But that procedure had ceased, almost at the beginning of our national government, to be anything but a mere formality. Even today the awkward delay is virtually equivalent to an "interregnum," which condemns the last session of the Congress of the outgoing administration to the futility of marking time.

From the Frederick H. Meserve Collection

ABRAHAM LINCOLN

lina, Thurlow Weed called on Lincoln in Springfield, as Senator Seward's representative, to seek the opinion of the President-elect on the proposed plan for the revival and extension of the Missouri Compromise line. Lincoln's answer was unequivocal. Slavery must not be tolerated in any of the territory of the United States. On that issue he was inexorable. Seward accepted the ultimatum, and the Crittenden Compromise was defeated.

Lincoln has been severely criticized for this fateful decision. The advocates of the Compromise have pointed out that the election of 1860 was by no means a "mandate" to carry out the Chicago platform. For, although Lincoln's electoral majority was large, the popular vote of the country, by a margin of more than a million, had been cast for other candidates—who favored compromise. It was therefore, say these writers, a selfish, narrow preference for the maintenance of their party to the maintenance of the Union that actuated Lincoln and his followers. This is a grave indictment, if true. Its validity lies, of course, in the question of whether the Crittenden Compromise, if adopted, would have preserved the Union. Would the determined South rest content with the barren victory which secured to it only territories from which slavery was excluded by "the laws of nature"?[1] Would the determined North, even if the Republican party should commit suicide, acquiesce in the very conditions which had called the Republican party into existence? Unless these questions can be answered in the affirmative, Lincoln was right when he wrote to Congressman Kellogg, "The tug has to come, and better

[1] Lincoln wrote to Weed (December 17, 1861), "A year will not pass till we shall have to take Cuba as a condition on which they will stay in the Union." He may have been mistaken; yet Senator Brown of Mississippi had said in 1860: "I want Cuba; I want Tamaulipas, Potosí, and one or two other Mexican states; and I want them all for the same reason,—for the planting and spread of slavery. . . . I would spread the blessings of slavery, like the religion of our divine Master, to the uttermost ends of the earth. . . . I would make the refusal to acquire territory because it was to be slave territory, a cause of disunion, just as I would make the refusal to admit a new state, because it was to be a slave state, a cause for disunion."

now than later." The only "compromise" that either side would accept in 1861 was one which appealed to the other side as an abject surrender—a compromise of principles.

Mr. Rhodes thinks that the South should have accepted the terms which Lincoln approved and which Seward offered in the Senate committee with the consensus of all the Republican members; namely, (1) an amendment to the Constitution forbidding Congress to interfere with slavery in the states, (2) a jury trial for fugitive slaves, and (3) the recommendation of Congress to the Northern states to repeal their Personal Liberty laws. "Considering that the slavery question had been submitted to the people at the presidential election, and that the antislavery party had won, was it not a fair offer? Did not the Republicans meet the cotton states half way? Should not Davis, Toombs, and Hunter have agreed to the proposition? Could they not have done so without dishonor? As players in the political game, fault cannot be found with the Southerners for making extreme demands, but when they had ascertained the furthest concession the Republicans were willing to make, ought they not to have accepted it rather than run the risk of involving the country in civil war?"[1] But it is not difficult to see why the Southerners would not accept Seward's proposition. For them a purely sectional party had got control of the government,—a party whose members, in spite of the disavowal in its platform, had condoned the behavior of John Brown, —a party whose leader had predicted that the country would become all slave or all free. With Abraham Lincoln in office, dispensing the vast amount of federal patronage, controlling national policies and diplomatic negotiations, commanding the army and navy of the United States, there was little chance that the first clause of the alternative prophecy would come true.

[1] Rhodes, Vol. III, p. 177. Yet a few pages before (Vol. III, p. 149, note), comparing the language of a speech of Jefferson Davis's in the Senate, December 10, 1860, with that of James Russell Lowell in the *Atlantic Monthly* of January, 1861, Rhodes shows how impossible compromise was. "These two quotations show," he says, "as clearly as anything I know, the underlying reasons of the war between the North and the South."

It is easy to discover inconsistency, irritability, and misrepresentation in the Southern position. The Southerners insisted that they alone must make the terms on which they would remain in the Union. They reproached the North for being "sectional" and at the same time told it to mind its own business, their real grievance, of course, being that the North was "national" enough to feel a responsibility for the condition of the South. They resented the bitter attacks of a comparatively few abolitionist papers on their character as slaveholders, while their own press, almost without exception, indulged in the wildest language of vituperation against the "Yankees." Yancey and Breckinridge might travel freely in the North, presenting the Southern cause to audiences in New York City, but a Northerner, suspected of being tinged with abolitionist principles, was promptly persuaded to leave a Southern town. Calhoun demanded that there should be no discussion of slavery in the North, but he insisted upon slavery's taking precedence of every other question in the South. For this he would muzzle the press, search the mails, make the laws of the states overbear the federal statutes, and reduce the federal government to a nullity which could end only in disintegration. Finally, though they asserted that slavery was sanctioned by God,[1] they had no confidence in its divine protection. For they would tolerate no argument on the subject, ignoring the dictum of Macaulay that "men are never so likely to settle a question rightly as when they discuss it freely."[2] But over against all this indictment

[1] In a Thanksgiving sermon at New Orleans the Reverend B. M. Palmer said: "In this great struggle we defend the cause of God and religion. It is our solemn duty to ourselves, to our slaves, to the world, and to Almighty God to preserve and transmit our existing system of domestic servitude with the right, unchallenged by man, to go and root itself wherever Providence and nature may carry it."

[2] Frederick Law Olmsted, in his dispassionate survey of conditions in the South, tells of asking a man in official position in Richmond whether he knew anything about the reliability of certain figures in Professor Johnson's "Agricultural Tour," on the value of slaves exported from Virginia, and receiving the reply: "No, I don't know anything about it. But if they are anything unfavorable to the institution of slavery, you may be sure that they are wrong" ("Journey in the Seaboard Slave States," Vol. I, p. 61).

must be set the tremendous fact that the South was contending for the preservation of $4,000,000,000 of slave property, for the world's export market in cotton, and for a social system which it believed absolutely necessary for the maintenance of the civilization, the purity, and the safety of the white race.[1]

Lincoln took touching leave of his neighbors in Springfield on February 11, 1861. His journey to Washington, marked by very disappointing speeches in various cities along the route, was uneventful except for rumors of assassination which reached him at Philadelphia and persuaded him to avoid passing through the secessionist city of Baltimore by day, as he had planned. He reached the capital safely on the twenty-third, and nine days later delivered his Inaugural Address to an audience not wholly free from apprehension.[2] In his first public utterance as the new head of the nation Lincoln pledged his administration to the faithful execution of the Fugitive-Slave Law and the non-interference with slavery in the Southern states. There would be no bloodshed or violence unless it should be forced on the national government. "In your hands, my dissatisfied countrymen, and not in mine," he said to the South, "is the momentous issue of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to 'preserve, protect, and defend it.'" Yet Lincoln at the same time declared

[1] Robert Toombs put the case clearly when he said, "The question is not whether we could be more prosperous and happy with these 3,500,000 slaves in Africa and their places filled with an equal number of hardy, intelligent, and enterprising citizens of the superior race; but it is simply whether, while we have them among us, we would be most prosperous with them in freedom or bondage." To that question there was but one answer in the South.

[2] All through the winter there were rumors that an attempt would be made to prevent the inauguration of a Black Republican president. On Christmas Day, 1860, the Richmond *Enquirer* asked, "Can there not be found men bold and brave enough in Maryland to unite with the Virginians in seizing the Capitol at Washington?" General Scott had about 450 soldiers of the regular army in Washington to insure the peaceable counting of the electoral vote on February 13, and the force was increased to 650 for the inauguration. Both events passed in perfect quiet.

that no state could lawfully leave the Union "upon its own mere motion," that the ordinances of secession were void, that he should take care to execute the laws of the Union in all the states, as he was bound to do by his oath of office, and that he would use the power confided to him "to hold, occupy, and possess the property and places belonging to the Government." The sinister import of these warnings could not be hidden by the beautiful sentiment of the closing sentence of the Inaugural: "The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature." The South, regarding secession and the Confederacy as accomplished facts, interpreted the Inaugural as a virtual declaration of war.[1]

The next day the Senate in executive session ratified the President's choice of a cabinet.[2] It was a composite body, representing all shades of Unionist sentiment. Four of its members had been Lincoln's rivals in the Chicago convention. Chase and Welles represented the anti-Nebraska Democracy, Cameron and Smith were rewarded for political services; Bates and Blair were from the loyal slaveholding states. The two tasks which the President saw immediately before him were to hold Forts Sumter and Pickens and to keep the border slave states in the Union. The day of the inauguration a report reached the War Office from Major Anderson that he had provisions for a month and that 20,000 men would be needed to

[1] A group of secessionists at Washington wrote to L. P. Walker, the Confederate secretary of War, on the day of the Inaugural: "We agreed that it was Lincoln's purpose at once to attempt the collection of the revenue, to reinforce and hold Forts Sumter and Pickens, and to retake the other places. He is a man of will and firmness. His cabinet will yield to him with alacrity. . . . There are five or six ships in New York harbor all ready to start."

[2] Namely: William H. Seward of New York (State), Salmon P. Chase of Ohio (Treasury), Simon Cameron of Pennsylvania (War),—to be replaced early in 1862 by Edwin M. Stanton of Ohio,—Edward Bates of Missouri (Attorney-General), Gideon Welles of Connecticut (Navy), Caleb Smith of Indiana (Interior), and Montgomery Blair of Maryland (Postmaster-General).

hold Fort Sumter. General Scott advised evacuation. "As a practical military question, the time for succoring Fort Sumter with any means at hand," he said, "had passed away." At a cabinet meeting on March 15 Seward, Cameron, Welles, Smith, and Bates all agreed that it was unwise to attempt to provision the fort. Seward's behavior was extraordinary. He seemed to regard himself as the guiding spirit of the administration, whose duty it was to lead the inexperienced Lincoln gently but firmly along the path to peace. He entered into negotiations with the Confederate "ambassadors" from Montgomery and gave them secret assurance that the status of Fort Sumter would not be disturbed. He declared with oracular optimism that the South would soon come back to its allegiance to the Union with a little careful handling: "The trouble will all blow over within ninety days." " He was vigilantly attentive," says Welles, "to every measure and movement in the order departments; . . . watched and scrutinized every appointment that was made; . . . but was not communicative in regard to the transactions of the State Department." He tried to get Lincoln to omit the general cabinet meetings and consult with the secretaries separately as occasion arose. And finally, on April 1, he submitted to Lincoln an amazing paper entitled "Thoughts for the President's Consideration." At the end of a month, he said, the administration still found itself without a policy domestic or foreign. This indecision must not continue. Let Sumter be evacuated to appease the South, and a vigorous foreign policy initiated to cement the Union. "I would demand explanations from France and Spain categorically and at once . . . and if satisfactory explanations were not received . . . would convene Congress and declare war against them. But whatever policy we adopt, there must be an energetic prosecution of it. . . . Either the President must do it himself . . . or devolve it on some member of his cabinet. . . . I neither seek to evade nor assume the responsibility." Lincoln, with great forbearance and kindness, set the importunate secretary right on the question as to who was the head of the administration.

The President had already (and now with the approval of all the cabinet except Seward and Smith) decided to send a relief expedition to Fort Sumter and fixed April 6 as the date of its departure. On that day a clerk in the State Department was sent to Charleston to present the following notification, written in Lincoln's own hand, to Governor Pickens of South Carolina: "I am directed by the President of the United States to notify you to expect that an attempt will be made to supply Fort Sumter with provisions only; and that if such an attempt be not resisted, no effort to throw in men, arms, or ammunition will be made without further notice." Meanwhile a lively exchange of telegrams had been going on between the Confederate government at Montgomery, its commissioners at Washington, Governor Pickens, and General Beauregard, in command of the Confederate troops at Charleston. Seeing in Lincoln's Inaugural the doom of their hopes of peaceful secession, the Confederates sought to gain delay for better preparations. The secret instructions to the commissioners at Washington were to "play with Seward" and to "delay and gain time until the South was ready." But Lincoln's warning to Governor Pickens precipitated action. The Northern papers referred to the Sumter relief expedition as "a force which will overcome all opposition." The commissioners believed that Seward had deliberately deceived them. Governor Pickens believed that Lincoln was hiding the purpose of armed coercion behind the pretext of provisioning the fort. So the cabinet at Montgomery, under the pressure of these representations, and in spite of the remonstrances of the Secretary of State, Robert Toombs, who warned, "It is suicide, murder, and will lose us every friend at the North," instructed Beauregard to demand the surrender of the fort.

Major Anderson refused to surrender. The pilots of Charleston harbor sent word to Beauregard that a United States vessel had been sighted. Another embassy was sent to Anderson at midnight, and on his second refusal to surrender he was formally notified at 3.20 A. M. (April 12) that the Confederate batteries would open fire on the fort in one hour. With the first roar

of the guns the people of Charleston began to wake from their light sleep and flock to the esplanade which faced the harbor, where they watched the spectacular duel between the island batteries and the fort. The prudent stayed on shore, cheering the shots that struck and waving the Palmetto flag. The more venturesome put out into the harbor with little apparent regard for the range of the guns. All day the battle continued, and at intervals through the night of rain and wind that followed, the Confederate batteries kept up the fire. In the morning the duel was resumed. After maintaining the unequal contest for thirty-two hours, the fort in flames and his flag shot down, his exhausted men tortured with the heat and choked with smoke, Major Anderson surrendered on the afternoon of Saturday, April 13. On Sunday he marched out of the fort, after saluting the flag, with drums beating and colors flying, and embarked for New York on the Federal vessels lying outside the bar.[1]

The assault on Fort Sumter put an end to hesitancy and confused counsels. The day after Anderson's surrender Lincoln issued a proclamation declaring that the laws of the United States were obstructed in the seven states of the secession by "combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals of the law," and called upon the governors of the loyal states for 75,000 volunteers from their militia to serve for three months. None of the governors of the eight slave states which had not seceded obeyed the President's call, but the response from the country north of Mason and Dixon's line was instantaneous and hearty. Party lines were obliterated. The malcontents swung into line. "That first gun at Fort Sumter,"

[1] The relief expedition which Lincoln had planned with Gustavus V. Fox, Assistant Secretary of the Navy, was to consist of the powerful warship *Powhatan* with three smaller vessels, the steamer *Baltic*, and three tugs to take the provisions into the fort. By Seward's officious meddling, over the heads of the Navy Department, the *Powhatan* was detached from the expedition and sent to Pensacola, Florida. The tugs all failed to reach the scene of the rendezvous outside Charleston harbor. The other vessels, powerless to render aid to Anderson, lay rolling in the heavy sea off the bar during the entire bombardment, waiting vainly for the *Powhatan* to arrive.

wrote Lowell, "brought all the free states to their feet as one man." Greeley was enthusiastic; Fernando Wood, addressing a huge patriotic mass meeting in Union Square, New York, cried, "I am with you in this contest: we know no party now." Douglas hastened to pledge the support of the Democrats of the North, declaring, "There can be no neutrals in this war—only patriots or traitors." The ex-presidents, Pierce and Buchanan, who had been so conspicuously under the influence of the Southern statesmen while in the White House, rallied to Lincoln's support. "The North will sustain the administration almost to a man," wrote Buchanan, "and it ought to be sustained at all hazards."[1] The actual outbreak of war and Lincoln's call for troops stimulated an equal enthusiasm in the South. Volunteers flocked to answer President Davis's call for 100,000 men, and the Confederate Congress met in extra session to pass measures for the financial, industrial, and military security of the Confederacy.

The week following the fall of Fort Sumter was crowded with events of the greatest importance. On Monday, April 15, Lincoln issued his proclamation. On Tuesday the militia of Massachusetts, trained for weeks by Governor John A. Andrew, began to muster. On Wednesday the Sixth Massachusetts regiment started for Washington, and the state of Virginia seceded. On Thursday the federal authorities abandoned Harpers Ferry, burning the armory and destroying most of the arms. On Friday the Massachusetts troops, marching from station to station through Baltimore, were attacked by a mob, and a bloody affray followed in which four soldiers and several of the assailants were killed—the first bloodshed of the Civil War. The same day Lincoln proclaimed a blockade of the Atlantic coast from South Carolina to Florida. On Saturday Robert E. Lee, after a harrowing inward struggle between his love for the Union and his devotion to his state, resigned his commission in the United States army, deeming, in the words of Alexander H.

[1] The South was surprised at the "desertion" of the men whom they regarded as their friends. See a number of quotations from the Southern press on this subject in Rhodes, Vol. III, p. 399, note 3.

Stephens, that his state had "never parted with her sovereign right to demand the ultimate allegiance of her citizens." He had been informally tendered the command of the Federal army, but he chose to accept his commission from the governor of Virginia. Lee was the soul of honor—like Bayard, a "knight without fear or reproach." He hated slavery and cherished the Union. That such a man, and hundreds of gentlemen like him in the South, should have been compelled to make such a choice is a distressing proof of the power of an established social order to sweep men along in its current.[1]

The defection of Virginia from the Union brought secession up to the banks of the Potomac and planted the Stars and Bars within sight of the Capitol. Washington was poorly defended. Officeholders and citizens were leaving in something of a panic, and rumors were current that Beauregard was going to use his South Carolina troops for the capture of the city. The President shared the anxiety, pacing the floor of his office in the White House and gazing down the Potomac in vain for the appearance of the boats which he expected to bring reënforcements via Chesapeake Bay. By the order of Mayor Brown of Baltimore the Marylanders had destroyed direct railroad connections and telegraphic communication with the North. Regiments from New York and Boston, coming by the circuitous

[1] As it is unjust to call such men as Lee "traitors" for their interpretation of their duty of allegiance, so it is unfair to use their names to cover the evil of slavery. One sometimes reads such sentences as, "The civilization which produced a Robert E. Lee could not have been altogether bad." But the detestable institution of slavery no more "produced" Robert E. Lee than the corruptions of Imperial Rome produced Marcus Aurelius. It is true, in a sense, that the discussion of slavery today is, as Goldwin Smith remarked, "like trampling on a grave." Yet to refrain from a discussion of slavery is to renounce writing the history of the Civil War. Professor McLaughlin seems to me to have stated in admirable terms the spirit in which such discussion should be approached: "We often find in life gentle and refined people who tolerate a system of industrial or social intolerance which one would expect them to reject. One ought to be allowed to attack evils in an industrial and social system without being charged with attacking the conscience and character of all who are caught up and entangled in that system" ("Steps in the Development of American Democracy," p. 139, note).

way of Chesapeake Bay and Annapolis and relaying the torn-up tracks as they advanced, finally marched into Washington on April 25, and the capital felt safe. There was really little cause for anxiety. The Confederate government had no intention of marching troops across the soil of the "sovereign states" of North Carolina and Virginia. The South, overestimating the forces at Washington, was thinking far more of her own protection than of delivering an attack on the North. Richmond was as much "panic-stricken" as Washington.

Lincoln succeeded better in his hope to stem the tide of secession than in his determination to hold Fort Sumter. To be sure, Arkansas, North Carolina, and Tennessee followed Virginia out of the Union, but the four other slaveholding states—Delaware, Maryland, Kentucky, and Missouri—were kept loyal. Except in Delaware, where slaves were very few, the task was difficult, and it was accomplished largely through the tactful, conciliatory patience of President Lincoln. He summoned Mayor Brown to the White House and agreed not to send more troops through the excited city of Baltimore if their passage via Perryville and Annapolis were not interfered with. When the loyal Governor Hicks convened the legislature at Frederick City, Lincoln had General Scott show enough force to encourage the Unionist sentiment, without giving the secessionists provocation for making a disturbance. The result was the triumph of Union feeling in the state. A solid loyal delegation was elected for the extra session of Congress which Lincoln had called for July 4. By the middle of May the governor was strong enough to dismiss the secessionist militia in Baltimore, repair the railroad and telegraph communications with the North, and raise four regiments to fill the state's quota of the troops called for by Lincoln's proclamation.[1] Of course, thousands volunteered for the Confederate ranks. When Lee's army

[1] After the defeat of the Union army in the summer of 1861, Secretary of War Cameron, fearing that Maryland might secede, took measures of repression unwarranted by the Constitution. The press was censored, and several members of the legislature were seized without warrants and imprisoned (with other suspects from Kentucky and Missouri) in forts in New York and Boston Harbors.

launched its great invasion of the North in the Gettysburg campaign of 1863, the song that went down the swinging column was "Maryland, my Maryland."

Lincoln's task of keeping his native state of Kentucky in the Union was harder. Governor Magoffin had answered his call for troops with an indignant refusal. The legislature was determined that the state should remain neutral. Even so loyal a Unionist as Crittenden approved this policy, believing that Kentucky, interposed as a buffer between the two hostile sections, could keep them from war. Though he saw the folly of such a hope, Lincoln treated it with consideration. He used three able Kentuckians to win over the state. Major Anderson was stationed at Cincinnati, just across the Ohio River, with instructions to receive volunteers from Kentucky and Virginia. L. H. Rousseau, a state senator, was commissioned to raise a brigade of Kentuckians for the United States army at Camp Joe Holt, on the Indiana side of the river. A third Kentuckian, William Nelson, a young naval officer, was given leave of absence to organize and supply with arms the Unionist volunteers in the central part of the state. In spite of the secessionist influence of Governor Magoffin, the elections in May for the extra session of Congress resulted in the return of nine Unionist members out of a delegation of ten. The state remained in the Union, but the names of Breckinridge, Buckner, Hood, and Albert Sidney Johnston are proof of the strength which Kentucky furnished to the Confederacy.

In Missouri it actually came to civil war. Francis P. Blair, Jr., of St. Louis, a strong Union man and a brother of Lincoln's Postmaster-General, raised four regiments of "Home Guards," chiefly from the loyal German population of Missouri, and offered them to the President as the state's quota of militia. He secured the appointment of Captain Nathaniel Lyon as their commander. Governor Jackson, an out-and-out secessionist, also organized armed bands, called the "Minute Men," and established Camp Jackson, on the outskirts of the city, with the object of seizing the arsenal. When Lyon discovered that

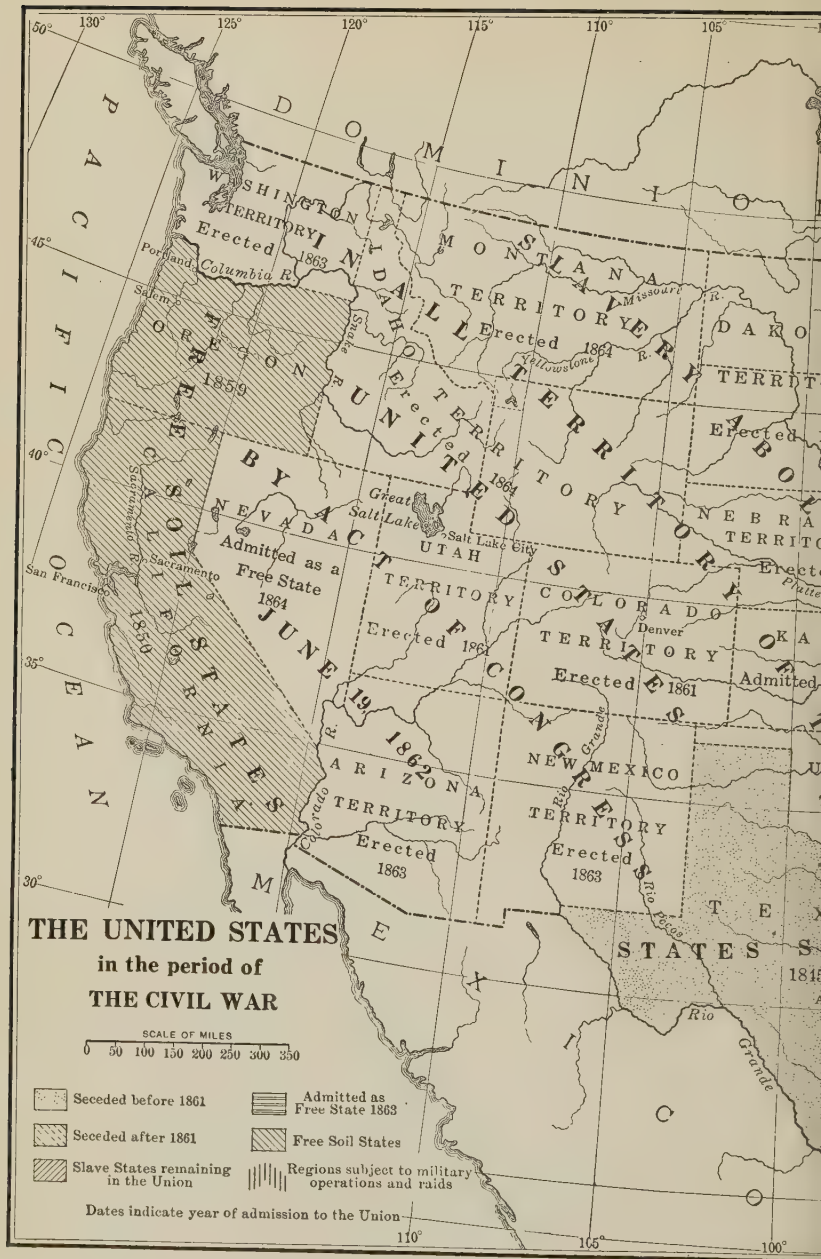
Jackson was receiving arms and ammunition from the Confederate government at Montgomery, he attacked Camp Jackson, drove the governor out, and, following him up the river, seized the state capital of Jefferson City (June 15). Jackson and his general, Sterling Price, withdrew to the southern part of the state, along the western slopes of the Ozark Mountains, to receive reënforcements from the state of Arkansas, while a convention assembled at the capital established a Unionist government.

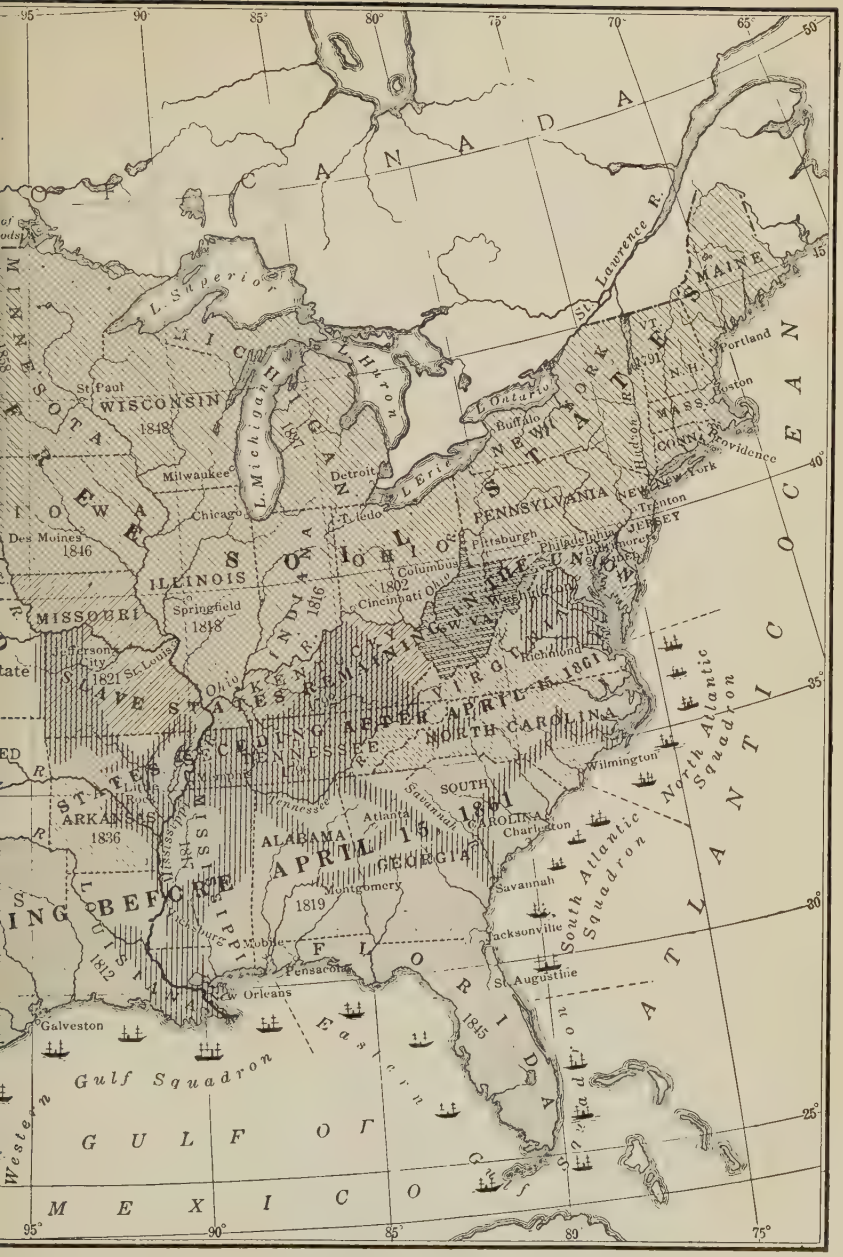
Neither side won a complete victory in the border states. Although the upper tier were held officially in the Union, they furnished hundreds of thousands of volunteers to the Confederate armies; and, on the other hand, while Virginia, North Carolina, Arkansas, and Tennessee seceded, large districts of three of these states remained loyal and eventually supplied some 200,000 to the armies of the North. In eastern Tennessee, for example, the vote on secession, on June 8, was 14,780 for and 32,923 against, while the central and western parts of the state voted in the affirmative by 90,000 to 14,000. The forty-eight counties of Virginia west of the Alleghenies cast about 30,000 votes against secession in May, 1861. When Governor Letcher sent troops across the mountains to defeat the design of these counties to "secede from secession," General George B. McClellan, in command of the Ohio militia on the northern bank of the river, sent aid to the West Virginia Unionists. In a five weeks' campaign (June–July) McClellan, with greatly superior forces, had little trouble in clearing the Confederate troops out of the counties.[1] A convention at Wheeling had chosen F. H. Pierpont governor and established a legislature embracing as a nucleus the forty-six members of the Virginia convention who had voted against secession. This "Rump Parliament" elected United States senators, who were received and

[1] McClellan's West Virginia campaign was of slight military magnitude, but it had the important effect of cutting the main line of the Baltimore and Ohio Railroad, which ran across the northern part of the state, and of bringing McClellan into a fateful prominence as "the man of the hour."

seated at Washington. Their new state, at first called Kanawha, was formally admitted to the Union in 1863 as West Virginia. McClellan formed the ambitious plan of marching his victorious army southward, "liberating" the Unionists of the mountain regions of Tennessee, North Carolina, and Georgia and attacking Richmond (which had become the Confederate capital in May) from the rear. But his plan was spoiled by the defeat of the Union army in Virginia, which we shall relate presently.

To sum up the important developments between the fall of Fort Sumter and the midsummer of 1861: Four new states had been added to the Confederacy, bringing the total population of the seceded area to 8,700,000 as against 22,700,000 in the 23 states of the Union. As 3,500,000 of the population of the South were slaves, the real superiority of the North in man power was about four to one. In wealth, facilities of transportation, variety of industries, mobility of capital, control of commerce, abundance of food supply,—in short, in every economic aspect (unless the great volume of cotton exports could be maintained),—the North was vastly superior. To offset this disparity in numbers and resources, the South had some marked advantages. They would fight a defensive war on their own soil, for the protection of their homes and their property. Their men were on the whole better material from which to make soldiers, and the Mexican War had been a valuable training-ground for many of their officers. Their president was a distinguished graduate of West Point, a commander with experience in the field, an ex-Secretary of War, and acquainted with the military personnel of the country, while Lincoln was a civilian who had to learn by slow and painful experience that minimum of tactical and strategic knowledge which he needed as commander in chief of the forces of the United States. Furthermore, the South, firm in the faith that "Cotton is king," looked confidently to Great Britain, whose queen had recognized the Confederacy in May as a belligerent power, to break the blockade which threatened famine to the cotton mills of Lancashire. The tone in the press and the Parliament of aristocratic England left no doubt as to


THE UNITED STATES
in the period of
THE CIVIL WAR
SCALE OF MILES
0 50 100 150 200 250 300 350
Seceded before 1861
Seceded after 1861
Slave States remaining in the Union
Admitted as Free State 1863
Free Soil States
Regions subject to military operations and raids
Dates indicate year of admission to the Union
PACIFIC OCEAN
DOMINION
WASHINGTON TERRITORY Erected 1863
IDAHO TERRITORY Erected 1863
MONTANA TERRITORY Erected 1864
OREGON 1859
NEVADA Admitted as a Free State 1864
UTAH TERRITORY Erected 1861
COLORADO TERRITORY Erected 1861
NEW MEXICO TERRITORY Erected 1863
ARIZONA TERRITORY Erected 1863
CALIFORNIA 1850
UNITED STATES
TERRITORY
ABOLITION
BY ACT OF CONGRESS
JUNE 19 1862
Portland
Columbia R.
Salem
Snake R.
Yellowstone R.
Missouri R.
Great Salt Lake
Salt Lake City
Denver
San Francisco
Sacramento
Sacramento R.
Colorado R.
Rio Grande
Rio Grande
MEXICO
130°
125°
120°
115°
110°
105°
50°
45°
40°
35°
30°
110°
105°
100°


CANADA
L. Superior
L. Michigan
L. Huron
L. Erie
L. Ontario
St. Lawrence R.
MINNESOTA
WISCONSIN
1848
St. Paul
MICHIGAN
1837
Milwaukee
Detroit
Buffalo
Chicago
Toledo
IOWA
Des Moines
1846
ILLINOIS
Springfield
1818
Pittsburgh
Philadelphia
Baltimore
Columbus
1802
Cincinnati
Ohio R.
INDIANA
1816
Washington
Richmond
MISSOURI
Jefferson City
St. Louis
1821
KENTUCKY
TENNESSEE
Nashville
Memphis
Mississippi R.
ARKANSAS
1836
Little Rock
Red R.
MISSISSIPPI
1817
Vicksburg
Natchez
LOUISIANA
1812
New Orleans
Mobile
Pensacola
ALABAMA
Montgomery
1819
Atlanta
GEORGIA
Savannah
Charleston
SOUTH CAROLINA
Wilmington
NORTH CAROLINA
Raleigh
Norfolk
Portsmouth
Petersburg
Fredericksburg
Alexandria
Harrisburg
Trenton
NEW JERSEY
New York
Hudson R.
Albany
Buffalo
Rochester
Syracuse
Utica
Oswego
Lake Champlain
Burlington
Vt.
1791
N.H.
Portland
MAINE
Boston
MASS.
Providence
CONN.
Jacksonville
St. Augustine
FLORIDA
1845
Galveston
Gulf Squadron
Eastern Gulf
GULF OF MEXICO
North Atlantic Squadron
South Atlantic Squadron
ATLANTIC OCEAN
SLAVE STATES REMAINING IN THE UNION
SLAVE STATES SECEDING BEFORE APRIL 15, 1861
SLAVE STATES SECEDING AFTER APRIL 15, 1861
95°
90°
85°
80°
75°
70°
65°
50°
40°
35°
30°
25°

where the sympathies of the governing classes of the island lay.[1] Finally, absolutely convinced of the righteousness of their cause, the South entered the war as a holy crusade, repeating the language of the men of 1776 and resolved to defend their liberty and independence to the last man and the last dollar.[2]

So the men of the North and the men of Dixie confronted each other in arms in the midsummer of 1861. The "irrepressible conflict" had come. Two systems of social and economic life, which had engendered two systems of political theory, irreconcilable, reciprocally contemptuous, mutually destructive, stood grimly determined to fight out on the field of battle the solution which forty years of unconvincing compromise had failed to furnish.

The Field of Battle

From the surrender of Major Anderson at Fort Sumter in April, 1861, to the surrender of General Lee at Appomattox in April, 1865, one supreme purpose guided the entire policy of the governments on both sides of Mason and Dixon's line. Every measure of diplomacy, finance, public law, and economic legislation was taken with a view to the accomplishment of the supreme purpose—the winning of the war. All eyes were fixed on the advance and the retreat of the armies. Everybody's ears were strained for news "from the front." In order, therefore,

[1] Far as the South had departed from Jefferson's views on the moral evil of slavery, they still held to his belief in the virtual coercion of Great Britain through commercial pressure. "There is the key," said a Charleston merchant to the correspondent of the London *Times*, pointing to a wharf piled high with cotton bales, "which will open all our ports and put us into John Bull's strong box as well." A Charleston paper advised an embargo on cotton as the weapon to force the recognition of the Confederacy.

[2] How little this spirit was realized in the North is shown by Seward's optimistic program of the reduction of "a state a month" to allegiance to the Union, and the quite general opinion that secession was "the work of a strong and unscrupulous minority," who could be cowed by a show of force. Lincoln, in his address to Congress on July 4, could still question "whether there is today a majority of the legally qualified voters of any state, except, perhaps, South Carolina, in favor of disunion."

to give as clear a view as possible of the progress of the conflict, we shall postpone to the following section important matters touching the public and private life of North and South during the war and here confine our attention to the field of battle.

Not that we shall attempt to follow in detail the marching and countermarching of dozens of armies, invading or defending the enormous area stretching 800 miles from the Potomac to the Gulf and 1700 miles from the Atlantic seaboard to the western boundary of Texas. The Official Records of the Union and Confederate Armies and Navies in the War of the Rebellion fill 130 large volumes and describe over 2000 engagements, of which 150 are dignified by the name of "battles." Livermore's "Numbers and Losses in the Civil War" estimates the Union enlistments on a three years' basis at 1,556,878 and the Confederate at 1,082,119. A bare list of the titles of works dealing with the military and political history of the war would fill many more pages than we have to devote to the description of its course.[1] Without trespassing, therefore, on the technical field of military strategy and tactics or noticing the minor operations, we shall follow the few great campaigns on which the fortunes of the struggle were staked.

At the beginning of July, 1861, there were in the camps around Washington about 30,000 raw and undisciplined troops, whom General Scott wished to train in garrison duty. Some thirty-five miles to the southwest General Beauregard was in command of 22,000 Confederates at the important station of Manassas, the junction of the Manassas Gap and the Orange and Alexandria railroads. In the Shenandoah Valley, to the west, lay 9000 Confederates, commanded by Joseph E. Johnston, lately Quartermaster-General of the army of the United States. A mediocre general (Patterson) with a superior force confronted Johnston at Harpers Ferry.

The diminished Congress of the United States met in extra session on July 4. The Confederate Congress was called to

[1] One list, published only a year after the conclusion of the war (Bartlett's "Literature of the Rebellion"), contains 6073 such titles.

meet at Richmond on July 20. The Northern press was clamoring for action. A sharp, prompt blow must end the war at once. The "rebel" Congress must not be allowed to meet. Foreign nations, especially Great Britain, which had recognized the belligerency of the Confederacy, must be shown that the United States had the power to nip sedition in the bud. Besides, the three months' term of the volunteers was soon to expire. To what end had they been called and drilled in Washington if they were not to be used? "On to Richmond!" was the cry. Scott protested that the troops were not ready; some of them had been in camp less than a week. General Irvin McDowell, who was the field commander, agreed with his chief, but reluctantly consented to move on Manassas if he could be assured (as he was) that Patterson would hold Johnston in the valley. So the 30,000 set forth, an undisciplined host, hastily brigaded, straggling by the way to pick berries or take naps under the trees, and accompanied by several congressmen who rode out to see the victory. Before McDowell had completed his plans for crossing Bull Run, the little stream which flows just north of Manassas, Johnston had slipped away from Patterson and joined Beauregard with three of his four brigades. Long before dawn of Sunday, July 20, McDowell launched his well-planned offensive from the north and west to turn the Confederate left flank. Through the intolerable heat of the midday hours the battle raged about the Henry House Hill, where Thomas J. Jackson stood "like a stone wall" between the Confederates and defeat. President Davis, arriving on the field from Richmond in the early afternoon, was met by a fugitive who told him that the battle was lost. But at 3.30 the rest of Johnston's army arrived from the valley and was forthwith thrown into the fray. The Confederates rallied for a bayonet charge which decided the fortunes of the day. Exhausted by more than twelve continuous hours of marching and fighting, the Union troops broke and fled. All the afternoon and night they were pouring back into Washington, leaving guns and baggage by the way, as if in a race with the discomfited congressmen to see which could reach the

shelter of the city fortifications first. Great was their relief and surprise when they discovered that the Confederates were not on their heels.[1]

In spite of the humiliation and chagrin, the defeat at Bull Run was a blessing in disguise for the North. It swept away once and for all the fool's paradise of easy optimism and faith in the collapse of the "rebellion" at the first touch of the Ithuriel spear point of the North. On the morrow of the battle the disillusioned government set to work in earnest to prepare for the war. Lincoln rode through the encampments of Washington, encouraging the men with words of kindly cheer. Congress met the emergency with courage. It ratified the President's exercise of extraordinary war powers, authorized loans and taxes, and passed a resolution to the effect that the war was waged "not for conquest or subjugation, or to overthrow or interfere with the rights of the established institutions of the sovereign states, but to maintain the supremacy of the Constitution and to preserve the Union." On the eve of its adjournment, August 1, Congress passed a Confiscation Act, releasing from their masters' claims any slaves who were employed in military duties against the United States.[2] To this the Confederate Congress replied with a Sequestration Act, ordering

[1] "Stonewall" Jackson, standing on the heights above Bull Run with President Davis after the victory, oblivious of his wounded hand in the exaltation which battle always inspired in him, begged to be allowed to follow up the retreating foe. "With 10,000 troops," he said, "I will take Washington tomorrow." But the Confederates were in no condition to assault the strong defenses of the city. They too were raw levies, and had perhaps been saved from a rout as complete as that of the Union army only by the fortunate arrival of Johnston's fourth brigade. The commander himself thought that the Confederates were "more disorganized by victory than the United States army by defeat."

[2] When fugitive slaves had come within the lines of General B. F. Butler's command at Fortress Monroe in the early summer, he refused to give them up to their masters and set them to work on his own fortifications. He called them "contraband of war," and "contraband" continued to be the nickname of the confiscated negroes throughout the war. Lincoln insisted, but not with very great success, that only those negroes should be retained who came within the definition of the Confiscation Act.

Southerners who owed debts to the Northern merchants and bankers to pay the money into the Confederate treasury.[1]

McDowell's defeat made the choice of a new commander necessary, excellent as his conduct of the battle had been. The man to whom the administration turned, with the enthusiastic approval of the entire North, was the hero of the West Virginia campaign. George B. McClellan, not yet thirty-five years old, a graduate of West Point and a veteran of the Mexican War, had probably the best military education of all the generals of the North. He was a magnificent organizer, a tireless worker, an inspiring commander, and withal a gentleman with a winning personality and the highest devotion to his country. He took the demoralized army of Bull Run and the tens of thousands of recruits that poured into the encampments about Washington and trained them into one of the most efficient armies that the world has ever seen. Yet he was a failure, because he didn't know how to use the great Army of the Potomac which he had trained. He talked much about what he was going to do, but he was never quite ready to act. His soldiers were too precious to risk. The responsibility of commanding an army which by December had swelled to nearly 200,000 men was too great for him; and indeed it might well have paralyzed the nerve of a man of riper years and experience. As month after month passed, and the administration and the people grew impatient of inaction, McClellan became a prey to obsessions which rendered him useless. He persisted in ridiculous exaggeration of Johnston's forces. When he himself had over 150,000 men and Johnston was vainly trying to get his army of 41,000 at Manassas reënforced by 15,000 or 20,000

[1] This act was expected to yield an enormous sum, as the war broke out in the spring, when the indebtedness of the South to the North was at its maximum. The *Richmond Dispatch* estimated that Virginia's contribution alone would be "at least $15,000,000," and the *New Orleans Delta* put Louisiana's at $12,000,000. But the Southern planters and merchants preferred to pay neither their Northern creditors nor their own treasury. In December, 1863, the Confederate Secretary of the Treasury reported only $1,812,550 received from the Sequestration Act.

troops, McClellan wrote that the enemy had "three or four times" his own numbers. Worst of all he nursed a grievance that he was not appreciated and that the "imbecile" administration at Washington was doing all it could to cause the ruin of his army. He quarreled with Stanton and Halleck and treated Lincoln with supercilious discourtesy. In the letters written to his wife at the time, and in "McClellan's Own Story," an apology written twenty years later, he appears in a most unfavorable light, as an inspired genius who had "saved his country," whereas he had really only saved his army—from fighting. So the autumn and winter passed amid anxieties and vexations for the North, the expenses mounting from $175,000 to over $1,000,000 a day, incompetence and corruption in the War Department under Cameron, inefficiency and insubordination in the Department of the West under the vain, contemptuous Frémont, an ugly quarrel with England over the *Trent* affair, an almost undisguised hostility on the part of the ruling and commercial classes in Great Britain and France,—seven months of war with no step forward, but only the monotonous echo of the patrols of the great idle army on which the hopes of millions were fixed: "All quiet along the Potomac!"

Before McClellan started his long-deferred advance on Richmond, in March, 1862, events of the first importance had happened in the Mississippi Valley and on the Atlantic coast. We have seen how Governor Magoffin tried to keep Kentucky neutral at the outbreak of the war and how careful President Lincoln was not to drive the state into the arms of the Confederacy by coercion or invasion. But so anxious was the government at Richmond to win this great state, which extended from Virginia to the Mississippi and whose possession would bring the borders of the Confederacy to the Ohio, that General Polk was allowed to seize Columbus early in September, 1861, and extend his lines to Bowling Green, near the center of the state. The political and military effects of this move appeared forthwith. The legislature of Kentucky, after calling in vain on Polk to withdraw his troops, passed measures definitely aligning the state on the Union side, and the Federal forces

ULYSSES S. GRANT

in the West prepared to break Polk's line. The command of the Union armies west of the Alleghenies was divided between two generals. W. H. Halleck's authority reached from Missouri eastward to the center of Kentucky, and Don Carlos Buell's extended from that point to the Alleghenies. Buell's plan was to march southward to rally the Unionists of eastern Tennessee to his banners; and an auspicious beginning was made when his brigadier general George H. Thomas caught a Confederate army which had come through the Cumberland Gap into eastern Kentucky under General Zollicoffer, and defeated it at Mill Springs, January 19, 1862. It was the first gleam of success for the Federal arms since the disaster at Bull Run. But Buell's plans were interrupted by developments further west, where in the short space of fifty miles the four great rivers the Mississippi, the Ohio, the Cumberland, and the Tennessee mingle their waters. Halleck's brigadier general in this region was a short, compact, taciturn man of thirty-nine, who, since his service in the Mexican War, had waged an unequal battle with poverty, obscurity, laziness, and liquor. Lincoln's call to arms found him a clerk in his father's leather store in Galena, Illinois, and it instantly transformed him into the man of destiny—Ulysses S. Grant.

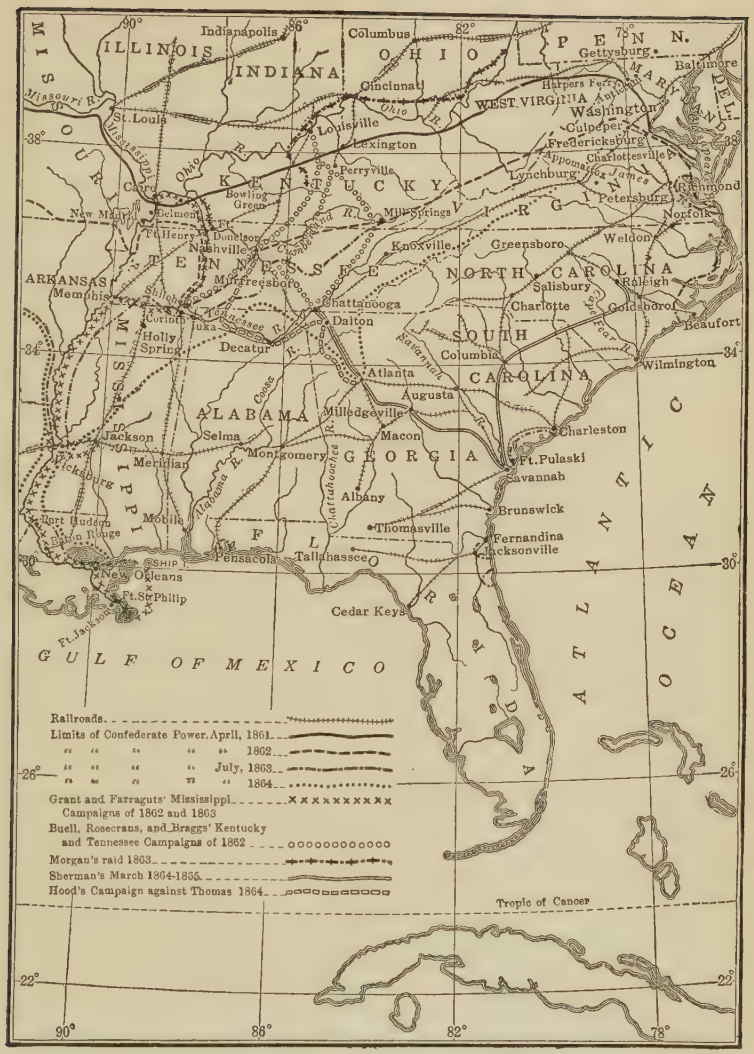
To guard the interior of Tennessee and protect the Memphis and Charleston railroad, the Confederates had built Forts Henry and Donelson on the Tennessee and Cumberland Rivers respectively, close to the Kentucky line. The forts were back to back and only twelve miles apart, so that troops could be moved from one to the other in a short day's march. Grant got permission from Halleck to attack these forts and started up the Tennessee River from Paducah with 15,000 men, supported by Captain A. H. Foote with a fleet of seven formidably armed gunboats. Foote's heavy cannon reduced Fort Henry easily enough, but not until General Tilghman had transferred practically all his garrison of 3000 men to Fort Donelson. Then Grant marched across the "isthmus," while Foote took the gunboats around by the rivers. But the capture of Fort Donelson was as difficult as that of Fort Henry had been easy. The higher guns, command-

ing the winding approaches of the Cumberland, kept Foote's fleet from effective work, and before Grant was ready to attack, Albert Sidney Johnston, the ablest Confederate general in the West, had increased the garrison of Fort Donelson to 20,000 men. Grant invested the fort, but the Confederates, making a sortie in the early morning of February 15, drove back his right wing under General McClernand and seemed to have a clear path of escape to Nashville. Unfortunately for them, they postponed their march until the morrow. Grant was on a gunboat in conference with Foote when he heard of McClernand's plight. Repairing to the scene at once, he restored the morale of the troops, launched a general attack, and before nightfall had recovered his original lines. The counsels of the commanders of the fort were at variance; the spirit of the garrison was broken. When General Buckner, who had been deserted by his colleagues, Floyd and Pillow, sent to Grant the next morning to ask terms, the Union commander replied: "No terms except unconditional and immediate surrender can be accepted. I propose to move immediately upon your works." Buckner surrendered with 14,000 prisoners, 20,000 stands of arms, and 48 pieces of artillery.

The effect of the victory at Fort Donelson was tremendous. For the North it was the reparation of the disaster of Bull Run. "The underpinning seems to have been knocked from under the rebellion," said Chase. Jefferson Davis, inaugurating the "permanent" Confederate government at Richmond on February 22, spoke of "the recent serious disasters" as marking "the darkest hour of our struggle."[1] The sympathizers with the Confederacy in England, who had been proclaiming in press and Parliament that the North was beaten, were hushed.[2] Kentucky was now secure for the Union. Buell entered Nashville

[1] Besides Donelson, the "disasters" were the defeat at Mill Springs (January 19) and the capture of Roanoke Island (February 7).

[2] Henry Adams wrote to his brother Charles Francis, Jr., from London, "The English on hearing of Donelson and the fall of Nashville, seem to think our dozen armies are already across the St. Lawrence and at the gates of Quebec" ("A Cycle of Adams Letters" (W. C. Ford, Ed.), Vol. I, p. 120).



THE WAR IN THE MISSISSIPPI VALLEY

without striking a blow. The first Confederate line of defense in the West was shattered, and the army of Johnston retired to Corinth, Mississippi. An imposing procession of more than 80 Union steamers, loaded with exultant men, swept up the Tennessee toward the strategic points on the Alabama and Mississippi frontiers. By April Grant's army, 45,000 strong, was concentrated at Pittsburg Landing and Shiloh on the Tennessee River, only fifteen miles from the Mississippi border, and Buell, with 36,000 men, was on his way from Nashville to join him.

In order to prevent this junction, Johnston and Beauregard led their army of 40,000 out of Corinth to attack Grant at Pittsburg Landing. The Union commander was taken by surprise. In his confident belief that the spirit of the Southern army had been broken by the disasters in Tennessee,[1] he had neglected to fortify his position, although the enemy were but twenty miles away. The furious attack of the Confederates on the morning of April 6 drove in the Federal outposts, and Johnston boasted that he would water his horses in the Tennessee River that evening. But while the sun was still high the gallant commander was killed, leading a frontal attack on a strong Union position, and night fell with the desperate battle still undecided but with the Federal troops sadly demoralized.[2] The next morning Buell and Lew Wallace brought 25,000 fresh men into the field, and the tables were turned. Beauregard made a stubborn fight of eight hours against great odds, but was finally forced to retreat to Corinth, which he evacuated a few days later before the advance of the Federal army. The Confederates had lost 11,000 men and their great commander. The Union loss was 13,000. These numbers seem trifling when compared with the statistics of carnage in the recent World War, but no battle of our country's history

[1] Grant wrote in his "Memoirs" in 1884, "My opinion was and still is that immediately after the fall of Fort Donelson the way was open to the National forces all over the Southwest without much resistance."

[2] Nelson, arriving with the vanguard of Buell's army at the Tennessee River late in the afternoon of the first day of the battle, reported that he found "cowering under the river bank from 7000 to 10,000 men frantic with fright and utterly demoralized."

had ever witnessed such slaughter as that at Shiloh. Thousands of homes in the West were plunged in mourning. Chicago was a city of gloom.

As Grant had moved up the Tennessee, General Pope and Commodore Foote went down the Mississippi in a parallel course, reducing the Confederate fortifications at Island No. 10, New Madrid, and Fort Pillow, and opening the great river as far as the beetling cliffs above Vicksburg. Meanwhile, "as the crowning stroke of adverse fortune,"—to use the words of the Confederate Secretary of War,—the Southerners saw the fall of the "Queen City" at the mouth of the Mississippi. On the night of April 24 Flag-Officer David G. Farragut, commanding the West Gulf blockading squadron, with seventeen ships, ran the gauntlet of fire from Forts Jackson and St. Philip on the lower Mississippi, which guarded the approaches to New Orleans. It was the most spectacular event of the war as the fleet crept up the river through the blackness of night and smoke, its perilous path murkily lighted by the incessant fire of the Confederate guns and the high columns of pitchy flame rising from the fire rafts. "At length," said Farragut, "the fire slackened, the smoke cleared off, and we saw to our surprise that we were above the forts." The way to New Orleans was open. Farragut reached the panic-stricken city the next day and anchored off the levee, where he found "ships, steamers, cotton, coal, etc. all in one common blaze." On May 1 General B. F. Butler occupied the city with Union troops and ruled it for six months with a ruthlessness which has made his name a byword in the South to this day. Farragut sailed up the river to Vicksburg, but found his fleet too feeble to reduce the fortifications and returned to New Orleans. The Confederates then fortified Port Hudson, Louisiana, to protect the mouth of the Red River, through which vast supplies of grain, horses, cattle, and produce were brought from Texas, Arkansas, and western Louisiana to the eastern bank of the Mississippi. This important "bridge" of one hundred and twenty-five miles from Port Hudson to Vicksburg was all of the Mississippi that was left to the Confederacy by the midsummer of 1862.

While the Union armies and river fleets were achieving these victories in the Mississippi Valley, the blockading squadrons were tightening their cordon around the Atlantic and Gulf shores of the Confederate states. The South had no navy and virtually no merchant marine from which a navy could be improvised. For, in spite of magnificent advantages for shipbuilding, this industry had failed to attract capital away from the absorbing monopoly of slaves and cotton.[1] In 1854 there were constructed 485,763 tons of shipping in the free states, as against 48,053 in the slave states—and of that 48,053 more than half was built in the states of Maryland and Delaware. Maine alone launched 168,632 tons in that year, to 11,862 from all the states from the mouth of the Potomac to the mouth of the Rio Grande. While the South was trying to buy ships abroad, the North was busy converting every kind of craft—merchantmen, excursion boats, pleasure yachts, and tugs—into ships of war. By the close of 1861 the Federal navy consisted of 264 ships, with 2575 guns and over 20,000 seamen. Four main squadrons guarded the 3500 miles of blockaded coast from Virginia to Texas, to prevent cotton from leaving the Southern ports and military supplies from entering them. The capture of Hatteras Inlet (August 29, 1861), Port Royal (November 7), Roanoke Island (February 8, 1862), and Fort Pulaski, guarding the entrance to Savannah (April 11), gave the Federal navy control of all the important points on the Atlantic coast except Wilmington and Charleston, but until Farragut's exploit at New Orleans no considerable Confederate port on the Gulf was taken. At first the South tried to bring pressure to bear on England to break the blockade, by withholding cotton which might easily have been run through the

[1] The *New Orleans Delta* said: "We possess the finest ship timber in the world, in inexhaustible quantities, which is easy of access and can be transported cheaply to any point. Almost every day this timber is cut down, split, hewed and sawed into proper lengths and shapes, and sent to the Northern ship-yards . . . where it is used in the construction of vessels, many of which come back here and engage in the transportation of Southern produce." North Carolina, once a great shipbuilding state, had to rely even for craft to carry its coasting-trade "on the canal boats of Norfolk and the New England vessels."

scattered Federal squadrons. Only 19,127 bales were exported in 1861 as against 615,000 in 1860. But as their hopes of intervention by England and France faded, the Southerners developed the hazardous but profitable business of exchanging cotton for munitions, clothing, medicines, and luxuries by means of narrow, swift, lead-colored blockade-runners, plying between Wilmington, Charleston, Mobile, or Galveston and the West Indian ports of Nassau or Havana.[1]

While Grant's victorious Donelson army was being transported up the Tennessee, the South made a bold attempt to break the blockade on the Atlantic coast. Raising the 40-gun frigate *Merrimac*, which had been sunk when the Federal officer abandoned the Norfolk navy yard on the secession of Virginia, the Confederates cut her down to the water's edge and erected a large rectangular casemate on her hull, whose sloping sides they covered with 4-inch iron plates. To her prow they fastened an iron ram. This formidable but slow and unwieldy ironclad, rechristened the *Virginia*, crept into Hampton Roads on March 8, 1862, and proceeded to demolish the wooden ships of the Federal navy, whose shots glanced off her sides like pebbles from a sling. She rammed a hole in the 30-gun sloop *Cumberland* and sank her. The 50-gun frigate *Congress* ran aground to escape capture, but the *Virginia* set her aflame with red-hot shot. The steam frigate *Minnesota* was also aground, waiting like a trembling animal at bay for her fate. But the *Virginia*, leaking and her engines overstrained, drew off to prepare for the destruction of the rest of the ships the next day. Four hours later another outlandish craft steamed into Hampton Roads. This was the *Monitor*, designed by Captain Ericsson and built in three months' time to thwart the *Virginia*. From the center of the *Monitor's* deck, which was flush with the water, rose a revolving turret 20 feet in diameter, armed with two 11-inch guns. She was nicknamed "a cheese box on

[1] Lieutenant Colonel Freemantle, an English visitor, wrote in his "Three Months in the Southern States" (p. 202) that he saw in Wilmington, in June, 1863, "eight large steamers, all handsome, leaden colored vessels, which ply their trade with the greatest regularity."

a raft." During the entire morning of March 9 these two strange ironclads bombarded each other with little harm to either; and then the *Virginia* withdrew, leaving the wooden ships safe—but henceforth as obsolete for naval warfare as Noah's Ark.[1]

Month after month McClellan held his fine army inactive on the Potomac, while Johnston's force at Manassas, of less than one third of his own, was all that stood between him and Richmond. McClellan persisted in believing that he was confronted by an army vastly superior to his own, and superciliously ignored both the administration's entreaties that he should march on Richmond and his own subordinates' better estimate of the enemy's strength. Even Lincoln's positive order for a general advance on February 22 failed to budge the Fabian commander. On that day, however, Johnston abandoned his dangerous position at Manassas. McClellan followed him—but not to Richmond. To the President's disappointment, he changed his plans and decided to take the Army of the Potomac down to the mouth of Chesapeake Bay and approach Richmond by the peninsula between the York and James Rivers. Relieved to see McClellan move in any direction, the administration approved his plan, but only with the understanding that the city of Washington must not be left unprotected. The troops were ferried down the Potomac, and on April 2 McClellan joined them at his base at Fortress Monroe. The Confederate general Magruder held a thirteen-mile line between the rivers, thinly defended by some 11,000 men. McClellan should have broken this line like a thread and been on his way up the peninsula, but instead he settled down with an elaborate train to besiege Yorktown—and scold the administration. After delaying him for more than a month before Yorktown, which bristled with wooden guns, the Confederate forces slipped away, leaving McClellan with his empty prize. The Union general followed with the utmost caution, taking two weeks to cover the forty

[1] Neither boat was destined to last long. When the Confederates evacuated Norfolk in May, they blew up the *Virginia*. The *Monitor*, unable to stand rough seas, sank in a storm off Cape Hatteras in December.

miles between Yorktown and his new base at White House on the Pamunkey River. Toward the end of May the Federal army was encamped on both sides of the Chickahominy River, the advance posts being near Fair Oaks station, with the church spires of Richmond clearly visible less than five miles away. All this time the Confederates had been strengthening their army, until Johnston had 63,000 troops to oppose McClellan's 110,000. On May 31 Johnston attacked the two Federal army corps south of the Chickahominy River, which had been converted into a torrent by heavy rains. He would have routed McClellan's left wing completely had not General Sumner led his troops across the submerged and swaying bridge and saved the day. Johnston was knocked from his horse by a piece of shell, and on the next day Robert E. Lee assumed command of the Army of Virginia.

After the discomfiture of the Confederates at Fair Oaks, it was expected that McClellan would concentrate his army south of the Chickahominy and move directly on Richmond. The city was in a state of panic during the May days. It seemed as though its doom were sealed. The destruction of the *Virginia* left the way open to the Federal gunboats, which had gone up the James to Drewry's Bluff, within seven miles of the Confederate capital. The government packed up its archives to send to Columbia and Lynchburg. President Davis appointed a day of public prayer. A hostile editor of Richmond pictured him as "standing in a corner telling his beads, and relying on a miracle to save the country." But still McClellan did not move. He was waiting for reënforcements. President Lincoln had promised, now that his army was again between Washington and Richmond, to send him McDowell's 35,000 men, who had been kept back to defend the Federal capital when the Army of the Potomac had gone down to Fortress Monroe.

But McClellan waited for his reënforcements in vain. Across the Blue Ridge, in the valley of the Shenandoah, Stonewall Jackson was waging the most wonderful campaign of the war. The Federal general Banks was at the lower end of the valley with 10,000 men, guarding the "back door" to Washington.

Further west was Frémont, in command of an army which was rapidly swelling to 20,000, while McDowell's corps lay close to Washington. Jackson had only 17,000 men, but he made them do the work of a host, moving them from point to point with a rapidity that earned them the name of "Jackson's foot cavalry." He outwitted the pompous Frémont, the impetuous Banks, and the clever Shields at every point. He prevented the junction of the Federal armies and accomplished the reunion of his own raiding parties with a punctuality that was little short of miraculous. He drove Banks down the valley and across the Potomac; and when McDowell's corps (which had been promised to McClellan) were sent to join with Shields and Frémont to cut him off, he dashed back up the valley, eluding his pursuers and crossing the last bridge of safety just as Frémont's troops "appeared on the opposite bank of the swollen Shenandoah and wept with wrath and mortification, as they stood barred by the few yards of swirling torrent." Then the great strategist slipped out of the valley and entrained for Richmond, leaving his mystified antagonists groping for him like bandaged boys in a game of blindman's buff. "In forty-eight days he had marched 676 miles, fought five hard battles, accomplishing in each his purpose, baffled three Federal armies, his 17,000 matched against 50,000, brought off prisoners and booty unmeasured, ruined the campaign of McClellan, and stricken the North with terror." "The fate of Richmond," say Wood and Edmonds, "was decided not on the banks of the Chickahominy, but by the waters of the Shenandoah."

Jackson joined Lee at Richmond on June 23, and the two great commanders laid their plans to drive McClellan out of the peninsula. On the twenty-seventh the Confederates, 55,000 strong, fell upon the 25,000 troops of General Fitz-John Porter at Gaines's Mill, north of the Chickahominy. The Unionists made a plucky fight but were borne back by the weight of numbers, and a rout like that of Bull Run might well have followed Lee's call for a final charge on the wavering line had not two brigades from Sumner's corps arrived on the field in the nick of time to cover the retreat. Lee's bold stroke north of the river

had left only 25,000 men under Magruder to protect the capital. McClellan, with three times that number, had then the golden chance to pounce on Richmond, but Magruder, "the prince of bluff," marched his men back and forth like a stage army, keeping up a furious discharge of cannonry, until McClellan was convinced that he "would have to meet more than 100,000 men if he marched on Richmond." Instead, he executed a masterly retreat across the peninsula from the Chickahominy to the James, ineffectually harassed by Jackson and Lee. Reaching the James, he took a strong position on Malvern Hill, against which the Confederates delivered a frontal attack on July 1. The Union army hurled back the impetuous charge with heavy artillery fire and deadly infantry volleys, driving brigade after brigade across the open field at the foot of the hill. The defeat of Gaines's Mill was wiped out. In the week's fighting across the peninsula the Union army had lost 15,800 men to 20,100 for the Confederates. The morale of McClellan's troops at Malvern Hill was perfect. The way to Richmond was again open. But McClellan, to the chagrin of his best corps commanders, fell back down the river to Harrison's Landing, under the protection of the Federal gunboats. Thus ended the famous Peninsular campaign.

McClellan has found defenders, though none to take him at the full value of his own rating in his letters and his *apologia*. No doubt he was sometimes hampered by political interference (as what general has not been!). The administration annoyed him by its importunity for an advance, and he had enemies in the cabinet. Lincoln appointed his corps commanders without consulting him. He was denied (for reasons which we have seen) the promised reënforcement by McDowell's corps. But none of these things should have prevented a resolute commander with McClellan's advantages from taking Richmond. He did not need McDowell's troops. If he was deceived in his estimate of the Confederate forces, it was his own fault. The cavalry of Lee rode completely around his army on both sides of the Chickahominy in June and could report the number and disposition of his forces; yet he, almost in sight of Richmond,

could be fooled by Magruder's bluster and by clever lies in the newspapers into believing himself confronted by a mighty host. "Macbeth himself was never daunted by so unsubstantial visions." Moreover, McClellan was always attending to some more important matter in some other spot at the moment of battle. When the armies were fighting at Fair Oaks on the southern side of the river, he was on the northern side; and when they fought at Gaines's Mill on the northern side, he was on the southern side. He was not on the field at Williamsburg at the beginning of the campaign or at Malvern Hill at its close, though he was fully aware of the inspiration which his presence gave the troops. He nursed the grievance that he was unappreciated and unsupported by the administration, and expressed his grievance in language at once querulous, boastful, and insolent.[1] The task intrusted to him was too great for his powers. Because he had been successful on a small stage, he was suddenly called, with the most confident expectations, to fill a very large stage. In the year from Bull Run to Malvern

[1] The following are samples of McClellan's utterances during the campaign: "I learn that Stanton and Chase have fallen out. . . . Alas! poor country that should have such rulers! I tremble for my country when I think of these things. [He had other things to think of!] When I see such insane folly behind me, I feel that the final salvation of my country demands the utmost prudence on my part, and that I must not run the slightest risk of disaster [!], for if anything happened to this army our cause would be lost. . . . But I will yet succeed, notwithstanding all they do and leave undone in Washington to prevent it. I would not have on my conscience what these men have for all the world." (To his wife, June 22.) "I know that a few more thousand men would have changed this battle [Gaines's Mill] from a defeat to a victory. As it is, the government must not and cannot hold me responsible for the result. . . . If I save this army now, I tell you plainly that I owe no thanks to you or to any other person in Washington. You have done your best to sacrifice this army." (To Secretary Stanton, June 28.) "I am ready for an attack now [three days after Malvern Hill]; give me 24 hours even and I will defy all secession." (To his wife, July 4.) The victims of the "insane folly" at Washington replied to McClellan's scoldings with kindly forbearance. Lincoln telegraphed, July 3: "I am satisfied that yourself, officers and men have done the best you could. All accounts say no better fighting was ever done. Ten thousands thanks for it." Stanton wrote, July 5, "Be assured that you have the support of this department and the government as cordially and faithfully as ever was rendered by man to man."

Hill he built and trained a great army. But his inability to use that army postponed for three years the fall of the Confederate capital.

Bitter as was the disappointment at McClellan's failure, the North rallied with enthusiasm. Great mass meetings were held in the cities to pledge recruits and money. The governors of eighteen states offered Lincoln 300,000 more men. Generals Halleck and Pope were called from the West, the former to assume the direction from Washington of all the Union armies in the field, the latter to command the new Army of Virginia, 50,000 strong, composed of the forces of McDowell, Banks, and Frémont. Pope, spurred thereto by Stanton and Benjamin Wade (the chairman of the Congressional committee on the conduct of the war), issued a pompous proclamation, reflecting on the valor of the Army of the Potomac, and beginning: "I have come to you from the West, where we have always seen the backs of our enemies, from an army whose business it has been to seek the adversary and beat him when found. . . . It is my purpose to do so, and that speedily." It proved, however, not to be his own program that Pope was so bravely announcing, but Stonewall Jackson's. That wizard of strategy devised with General Lee and successfully executed "a plan perhaps the most daring in the history of warfare." Early in the morning of August 25 Jackson took 25,000 men (about half the army of Lee before Richmond) with three days' provisions in their haversacks and no train except the necessary ambulances and munitions wagons, and started northwestward for a destination which not even his officers knew. "If silence is golden," said one of them, "then Jackson is a bonanza." Covering fifty-six miles in two days, he dashed through the Blue Ridge at Thoroughfare Gap and put his force thirteen miles to the rear of Pope's army, severing the Federal connections with Washington. He surprised Pope's supply trains at Manassas Junction and after appropriating all the bacon, beef, pork, and flour that his army could use set fire to the rest. By mysterious marches and countermarches he baffled the Union commanders until a confusion of orders resulted in the Federal camp, and the re-

enforcements which were coming to Pope from the Army of the Potomac were deflected. At the appointed time Longstreet brought up the rest of the Confederate army through the gap in the mountains which Pope had inexcusably left unguarded, and the two Southern generals united their armies in the very face of their foe. The battle which followed on the old field of Bull Run, August 29 and 30, saw the Federal forces, though superior in numbers, completely outgeneraled, defeated, and driven back in rout to the protection of the fortifications of Washington. Pope was relieved of his command, and the Army of Virginia was absorbed into the Army of the Potomac, under its old leader McClellan.[1]

This summer of disaster to the Federal arms in Virginia wiped out the joy over the victories of Grant and Farragut in the spring. A strong tide of reaction set in against Lincoln's government. The hundreds of thousands of men and the millions of dollars which had been so generously furnished to preserve the Union seemed to have been wasted. Men were beginning to declare openly that the defeat of the South was impossible. Political strife revived. The Democrats who had supported Lincoln in 1861 deserted the administration in 1862. The cabinet threatened to dissolve in faction. The President was harassed on every side: distressed by the military failures,

[1] Although Pope was incapable of dealing with such genius as Lee's and Jackson's, it must be said that he worked under severe handicaps. His superior, Halleck,—fussy, irritable, incompetent, and conceited,—attempted to direct the campaign by telegraph from his office chair in Washington. Furthermore, Pope's officers and men, alienated by his proclamation, never gave him that hearty confidence which made the morale of the Confederates under their adored commanders Lee, Jackson, Longstreet, and the Hills so perfect. It was even believed that the officers of the Army of the Potomac were half willing to see Pope fail. Porter, one of McClellan's corps commanders, was court-martialed for not obeying an order of Pope's, and the case for his rehabilitation dragged on till the summer of 1886. He had written just before the battle: "I believe the enemy have a contempt for the Army of Virginia. I wish myself away from it with all our old Army of the Potomac, and so do our companions." It is said that the soldiers of General Franklin (another of McClellan's officers) taunted Pope's troops as they fled from the field, "jeered at the new route to Richmond," and made no secret of their glee at the downfall of McClellan's rival (Rhodes, Vol. IV, p. 135).

scolded by Greeley for not emancipating the slaves, scored for his "despotism" in suspending the writ of Habeas Corpus and inflicting military punishment on civilians. On the other side of Mason and Dixon's line hope was high. It was "the one brief space in Confederate history that was pure sunshine." The Southern agents in Europe were confident that England and France were on the point of interceding in their behalf. President Davis felt that the moment had come to launch the movement which should drive the Federal armies out of the Southland and establish the independence of the Confederacy. A great triple offensive was planned. Lee's victorious army was to invade Maryland, delivering the "sister state" of the South from Federal domination, threatening the Northern capital, and encouraging the defeat of the administration in the autumn elections. Braxton Bragg, who had succeeded Beauregard, was to expel the Union army from Kentucky. And Van Dorn was to clear the troops of Rosecrans and Grant out of Mississippi and Tennessee and regain control of the great river. Before the autumn frosts tinged the maples the triple plan was defeated at every point, and the Confederates were thrown back on the defensive.

Lee crossed the Potomac on September 4, publishing a proclamation that he had come to the aid of the oppressed people of Maryland in "throwing off their foreign yoke." His army was neither large nor well supplied, but he counted on the sympathy of the inhabitants to smooth his way. With the same contempt for McClellan's strategy as he had shown for Pope's, he divided his army in the face of his enemy, sending Jackson to take Harpers Ferry from its 12,000 defenders while he himself proceeded to Sharpsburg on Antietam Creek. When McClellan's army was passing through Frederick City on Lee's heels a private from an Indiana regiment had the rare luck to pick up a dispatch from Lee to D. H. Hill, revealing the whole plan of the Confederate advance. With this information in his possession and with his great superiority in numbers, McClellan might have destroyed the armies of Lee and Jackson in quick succession; but he let the favorable moment slip by, as usual, and before he

was ready to attack, Jackson had completed his work and rejoined Lee. Even then McClellan had 87,000 men to oppose to Lee's 55,000 when the armies joined in the terrific battle of Sharpsburg, or Antietam, on September 17. All day "the battle line swayed back and forth like a rope in adverse currents," and at nightfall Lee still held his ground. The next morning, yielding to the advice of his generals and convinced that he had nothing to hope from the people of Maryland, he withdrew his forces unmolested to the southern side of the Potomac. Technically Sharpsburg was a victory for McClellan, and he congratulated himself on it as "a masterpiece of art." But in reality he had lost the opportunity to destroy Lee's Army of Virginia. His tactics were wretched. Instead of directing the battle himself, he left it largely to his corps commanders, with the result of a succession of unrelated attacks. Obsessed by his persistent bogy of the preponderance of the Confederate forces, he held nearly one third of his magnificent army in reserve during the entire battle. To be sure, the immediate object of the battle had been gained by McClellan: Lee's invasion of the North had been checked.[1] But the discouraging fact remained that Lee had led back his army intact (except for the 11,000 who fell on the field of battle) to the Virginia side of the Potomac. After six weeks of further procrastination McClellan was removed from command (November 5), and General Ambrose E. Burnside was appointed in his place.[2]

[1] This fortunate event gave Lincoln the opportunity for publishing his long-contemplated Emancipation Proclamation, freeing the slaves in the states or parts of states still in rebellion against the Federal government (September 22).

[2] Burnside was a brave soldier and a gallant officer, but he lacked the gifts of field marshal. He knew that he was unequal to the command of the great Army of the Potomac, and he had twice refused the offer of it before he received the order which he felt he had no right to disobey. Substituting recklessness for McClellan's overcaution, he delivered a frontal attack on the Confederates' magnificently fortified position on the heights above Fredericksburg on the Rappahannock (December 13) and was repulsed with fearful loss. He sent his men to certain death like sheep to the slaughter, persisting in the charge against the advice of his best corps commanders. In January he was relieved of his command, but he never could be relieved of the memory of "those men over there," who had marched against a wall of fire at his rash command.

At the moment Lee crossed the Potomac into Maryland, Confederate armies under Kirby Smith and Braxton Bragg were moving northward into Kentucky. Smith, capturing Lexington and marching to within four miles of the Ohio, threw the city of Cincinnati into a panic. Bragg, following a few days later from eastern Tennessee, entered Kentucky, as Lee had entered Maryland, with a proclamation offering the inhabitants the opportunity to shake off the yoke of "the Abolitionist tyrant" and "be restored to the freedom inherited from their fathers." He took 20,000 stands of arms for recruits, but the Kentuckians did not flock to his banners. Buell meantime had moved south to accomplish Lincoln's pet plan of succoring the Unionists in eastern Tennessee and capturing Chattanooga if possible. Bragg had a clear way open to Louisville, and had he moved with decision and speed he might have taken the poorly defended city. But, discouraged by the hostile attitude of the Kentuckians, he paused and turned aside, allowing Buell to beat him in the race to Louisville. Strengthening the fortifications of the city and gathering reënforcements, Buell turned south again, in pursuit of Bragg. The armies met on October 8 at Perryville. After a sharp engagement Bragg retired toward the Tennessee border.

Buell, like McClellan, was slow and overcautious on the offensive. Political influence had long been working against him, and late in October he was replaced by Rosecrans. For more than two months Bragg and Rosecrans lay facing each other in Tennessee, while the bold Confederate raiders Morgan, Forrest, and Joe Wheeler wrought much damage on railroads, bridges, and supply depots. Finally, on the day after Christmas, when the North was plunged in gloom over Burnside's terrible defeat at Fredericksburg, Rosecrans moved from his quarters at Nashville to attack the Confederates encamped near Murfreesboro. The armies on both sides were fairly matched and the losses heavy. On the night of January 2, 1863, Bragg retreated from Murfreesboro, and President Lincoln telegraphed to Rosecrans, "God bless you!" Neither Perryville nor Murfreesboro could fairly be called a Union victory on the field, yet,

like McClellan's more brilliant action at Sharpsburg, they accomplished the main purpose of frustrating the Confederate advance. Bragg was thrown back on Chattanooga, in the extreme southeastern corner of Tennessee, and, except for Hood's desperate dash on Nashville two years later, the Confederates made no further attempt to win the two great states of the Middle West south of the Ohio.[1]

The new year brought little comfort to either side. The failure of their triple advance was perhaps the least of the South's misfortunes. The blockade was beginning to produce the misery which was to grow more and more acute during the last two years of the war. Rations were reduced. Shoes, blankets, and medicines were lacking. The transportation system broke down, because supplies for the maintenance of the railroads were not available. A Conscription Act of April, 1862, which had called to the colors all the white men between the ages of eighteen and thirty-five, was bitterly resisted. Papers like the Charleston *Mercury* and the Richmond *Examiner* attacked Jefferson Davis as incompetent and despotic. The old states of the seaboard, where the doctrine of states' rights was strong, arrayed themselves against "the violations of constitutional law by the supreme government." North Carolina demanded the return of her volunteers for the defense of the state, like the New England governments in the War of 1812. The convention in South Carolina proposed to forbid the Confederate government to raise troops in the state except by voluntary enlistment. Governor Brown of Georgia defied President Davis, as Governor Troup had defied President Adams thirty-six years before. The Confederate legislature demanded the dismissal of the Secretary of War, Judah P. Benjamin. And, finally, the high hopes of the South for British and French intervention began to wane with the publication of the Emancipation Proclamation and the failure of the Confederate arms in Maryland and Kentucky.

[1] The third part of the general Confederate offensive in the autumn of 1862 was foiled when Generals Price and Van Dorn, in a spirited two days' battle (October 3 and 4), failed to dislodge General Rosecrans from Corinth, Mississippi.

At the North despondency was profound. The almost unrelieved misfortune of the Union army in Virginia, culminating in the awful disaster of Fredericksburg, had strengthened the belief of thousands of men from Maine to Minnesota that it was impossible to subdue the South. The "Copperheads" came to the fore with their demands for the immediate cessation of the war. Their leader, Vallandigham of Ohio, harangued the House of Representatives: "You have not conquered the South; you never will. The war for the Union is in your hands a most bloody and costly failure. . . . Money you have expended without limit, and blood poured out like water. . . . Defeat, debt, taxation, and sepulchres—these are your only trophies." Governor Morton of Indiana telegraphed to Secretary Stanton that the legislatures of Indiana and Illinois contemplated passing a "joint resolution acknowledging the Southern Confederacy and urging the states of the Northwest to dissolve all constitutional relations with the New England states." "By a common instinct," wrote Joseph Medill of Chicago, "everybody feels that the war is drawing to a disastrous and disgraceful termination. Money cannot be supplied much longer to a beaten, demoralized, and homesick army. Sometimes I think that nothing is left now but to fight for a boundary." The expenses of the government had risen to $2,500,000 a day, of which less than one quarter was realized from the customs duties and taxes. The armies of Grant and Sherman tried in vain during the spring months of 1863 to approach the great stronghold of Vicksburg by the treacherous, fever-laden bayous of the Yazoo swamps; while "Fighting Joe" Hooker, who had replaced Burnside in the command of the Army of the Potomac, was outgeneraled and defeated by Lee and Jackson in the Virginia forests about Chancellorsville (May 2 and 3).[1] Volunteering had ceased, and the Federal Congress resorted to conscription (March 3, 1863), as

[1] In the deepening twilight after the battle Stonewall Jackson and a few of his staff, who had ridden far in advance of the line, were mistaken by Confederate sharpshooters for a group of Federal cavalry and fired upon. Jackson was mortally wounded, and his death was, in the opinion of many men of the South, the loss of the war.

the Confederate Congress had done a year earlier. This Conscription Act and an act of the same day authorizing President Lincoln to suspend the writ of Habeas Corpus wherever he saw fit provoked redoubled criticism of the laboring administration. While the draft was resisted desertions multiplied. Civilian clothing was smuggled into the lines of the Army of the Potomac by the carloads to encourage the slackers to leave the ranks.

The turning-point of the war came in the opening days of July, 1863, with the repulse of Lee's second invasion of the North at Gettysburg and with the fall of the Confederate stronghold of Vicksburg. Many considerations urged Lee to cross the Potomac again to fight on Union soil. The morale of his army of 75,000 men was at its peak. After the victories of Fredericksburg and Chancellorsville the Army of Virginia felt itself to be invincible. Furthermore, Lee, who was a close student of public opinion in the North, believed that the moment was opportune to encourage the Copperheads in their resistance to Lincoln's government. What possibilities there were in a victory on Northern soil! It would throw a panic into the capital and the great commercial cities of the seaboard, close the vaults of the New York bankers to Secretary Chase's appeal for funds,[1] divert Grant and Sherman from the siege of Vicksburg, bring the peace party to the fore in the North, and end the war by a single blow, with the acknowledgment of the independence of the South.

As Lee's magnificent columns, under Longstreet, A. P. Hill, and Ewell (Jackson's successor), moved from Fredericksburg toward the Shenandoah Valley, Hooker followed on "interior lines," keeping to the east of the Blue Ridge. Ewell pressed ahead rapidly until by the end of June his cavalry were within three or four miles of Harrisburg, Pennsylvania, and his artillery shook the buildings of the town. From Pittsburgh to Philadelphia terrifying rumors spread that Lee with 250 guns was shelling Harrisburg — that he was marching on Philadelphia with 100,000 men. Lincoln called out the militia from Ohio,

[1] Chase had just inaugurated the system of national banks, which we shall study in the next section.

Pennsylvania, West Virginia, and Maryland. The Democratic Governor Seymour of New York, who was accused of Copperheadism, offered his support to the limit. Meanwhile the imperious Hooker, quarreling with Halleck about the disposition of the garrison at Harpers Ferry, had offered his resignation in a moment of irritation and had been replaced (June 27) by General George G. Meade, a modest, tireless worker and a fine disciplinarian, whose lack of brilliancy was atoned for by a devotion to the cause which, as Grant remarked to Stanton, "would have led him to resign his general's commission if ordered, and fall into the ranks without a murmur."

Meade's rapid advance into Pennsylvania caused Lee to recall Ewell from Harrisburg and concentrate his whole force near the little town of Gettysburg. On July 1 the armies came into contact, the Confederates defeating the Union left, commanded by the gallant Reynolds, who was killed on the field. Meade sent forward Hancock to take his place, and the line was restored. The second day's fighting consisted of a number of desperate but not well-coördinated attacks of the Confederates on both wings. The Unionists had a double advantage: They were being reënforced hourly, until by the afternoon they had some 90,000 men to oppose Lee's 70,000. Moreover, the Federal position on Cemetery Ridge was a convex formation, which allowed easier transfer of troops behind the lines than did the concave front of Seminary Ridge, occupied by the Confederates. On the third day of the battle (July 3) Lee decided to attack the Union center. In vain Longstreet remonstrated with his chief against sending the men to certain death—infantry against batteries, "over nearly a mile of open ground under the rain of canister and shrapnel." "The enemy is there, General Longstreet, and I am going to strike him," was Lee's quiet answer. General Pickett's division of 15,000 Virginians, the flower of the Confederate army, was selected for the attack. About three o'clock in the afternoon, "with banners flying and with the steadiness of a dress parade," the magnificent columns swept down the slopes of Seminary Ridge into the valley. When they had crossed half the fourteen hundred yards that separated the

battle lines, the heavy Union artillery opened fire on them, mowing great gaps in their ranks. On they went unfaltering, until their thinning columns came within range of Hancock's sheltered infantry. Still on and up the hill they went, against a wall of flame. A hundred men with the gallant Armistead scaled the Union fortifications and, driving the gunners from their posts, planted the Confederate colors within their lines—the high-water mark of the Confederacy. But the ordeal was greater than flesh and blood could bear. The attacking line halted, bent slowly backward, then broke and fled — what there was left of it—through the valley of death to the shelter of its own guns.[1]

Like a gambler, Lee had staked all on a desperate throw—and lost. With unfailing magnanimity he took all the blame on himself and had no words but praise for his officers and men. On the night of the Fourth of July he began his retreat to the Potomac through a dismal rain. The river, swollen by floods, held him on the Maryland side for several days, during which he was apprehensive of an attack by the victorious Union army. Meade himself favored and planned such an attack. but was dissuaded by the advice of five of his six corps commanders. Lincoln was greatly distressed when he learned that Lee had crossed the Potomac into Virginia. "We had them within our grasp," he said. "We had only to stretch forth our hands and they were ours." But the case was not so simple. The Union army had been severely handled in the three days' fighting. Reynolds was killed. Hancock was severely wounded. The army needed rest, recuperation, and reorganization. Be-

[1] The Federal losses were 23,049, the Confederate 28,063. Lee's fame is so deservedly dear to his fellow countrymen that they have often shrunk from criticizing his military tactics too severely. But to his contemporaries, and even to his associates, he was not always inspired. Longstreet called him "perfect in defensive warfare but over-rash in attack." He was certainly at fault in the third day's fighting at Gettysburg, as he had been in the frontal attack on McClellan at Malvern Hill. Charles Francis Adams, Jr., a cavalry colonel in the Union army and a keen military critic, gives a very unfavorable opinion of Lee's generalship, in "A Cycle of Adams Letters" (W. C. Ford, Ed.), Vol. II, pp. 56, 57. After Gettysburg Lee offered his resignation, but Davis refused to accept it.

sides, Lee, always masterly on the defensive, had chosen and fortified his position well on the banks of the Potomac.

The retreat of the rain-soaked Confederates from Gettysburg would have been more dismal still had they known that on the same Fourth of July General Pemberton had surrendered his garrison of 29,500 men at Vicksburg, together with 170 cannon and 50,000 small arms. For the details of the wonderful campaign of eight months against the Mississippi stronghold the student must read the memoirs of the two great Union commanders, Grant and Sherman. Baffled in his attempt to approach the impregnable defenses of Vicksburg from the north and east in the late autumn of 1862, Grant shifted his operations to the west of the Mississippi, where the network of bayous, swollen by winter rains, made a series of submerged islands and peninsulas with the tortuous course of the river. Floundering through the swamps, swarming like waterfowl to the patches of dry land for their huddled camps, battling with malaria and pests, the army slowly gained the shore of the river below Vicksburg, while Admiral Porter ran his gunboats past the batteries of the fortress and towed barges laden with supplies. On April 30 Grant got his troops across to the eastern bank of the river at Bruinsburg, about thirty-five miles south of Vicksburg, and telegraphed Halleck that he felt that the battle was "more than half won." Cutting loose from his base on the river and living off the country, Grant moved northward toward the state capital of Jackson, where Johnston was arriving with 15,000 reënforcements for Pemberton from the Army of Virginia.

Driving Johnston out of Jackson, and destroying the arsenals and military stores in the city, Grant turned westward to close in upon Pemberton. The Confederates made a valiant stand against superior numbers at Champion's Hill and the Big Black River, but were forced back to the defenses of Vicksburg, where the Union army held them closely besieged in a line of twenty-five miles extending from Haines's Bluff to Warrenton. In the eighteen days since he had ferried his troops across the Mississippi at Bruinsburg, Grant had marched one hundred and eighty

miles through a hostile and difficult country, fighting the enemy at every step. He had captured the state capital, dispersed Pemberton's reënforcements, seized the Vicksburg and Jackson railroad, secured the river approaches to Vicksburg from north and south, and shut in an army of 40,000 men behind the frowning ramparts. For six weeks the beleaguered city held out, until the inhabitants were reduced to eating mules and rats. To avoid the shells from Grant's batteries on the land and Porter's gunboats on the river, many of the families took refuge in underground chambers hewn in the hard clay of the bluffs. When all hope of relief from Johnston was gone and his soldiers were staggering in the trenches from starvation, Pemberton surrendered.

The capture of Vicksburg was by far the most momentous event of the war. It meant the opening of the great river to the commerce of the whole Mississippi Basin.[1] It meant the severance of Arkansas, Louisiana, and Texas from their sister states of the Confederacy. But chief of all, it meant the stoppage of the most important source of supplies for the Southern armies. For not only had large quantities of grain and beef come eastward from Texas over the "bridge" of the Mississippi between Vicksburg and Port Hudson, but with the constantly tightening blockade of their own shores on the Atlantic and the Gulf, the Confederates had found it convenient to get arms, munitions, medicine, and other articles from Europe via the Mexican ports, whence they had been smuggled across the boundary into Texas and so over the famous "bridge." The blockade was the first step, and the recovery of the Mississippi the second, in that process of starving out the South which counted for more than the victories on the battlefield in the final collapse of the Confederacy.

[1] Port Hudson, Louisiana, a smaller river stronghold about one hundred and twenty-five miles below Vicksburg, was besieged by the Union general Banks. When its commander, General Gardner, heard of the fall of Vicksburg, he surrendered his garrison of 5000 men, July 9. Just one week later the steamer *Imperial*, from St. Louis, anchored with a cargo of merchandise at New Orleans. Lincoln wrote in August to a mass meeting in his home town of Springfield, Illinois, "The Father of Waters again goes unvexed to the sea."

"Gettysburg and Vicksburg ought to have ended the war," says Rhodes (Vol. IV, p. 319). There was plenty of fight left in the Southern armies, to be sure, but it was henceforth a fight of desperation—the spirit of "the last ditch." President Davis kept to the last his nervous confidence in the favorable outcome of the struggle, and the Southern press, minimizing the importance of Vicksburg and calling Gettysburg "a drawn battle," insisted with redoubled assurance on the eventual victory of the Confederacy. The generals in the field knew better. "Dick" Taylor, one of the best of them, declared that after the campaign of 1864 opened "the commanders . . . fought simply to afford statesmanship an opportunity to mitigate the sorrows of inevitable defeat," and George Cary Eggleston, in "A Rebel's Recollections," said, "We all knew from the beginning of 1864 that the war was hopeless." Confederate bonds, which had been bought in large quantities in England and France, sank to one fifth of their par value. The tone of the British press and of most of the influential men in Parliament, which had been favorable to the South, began to change.[1] Napoleon III desisted from his efforts to bring about a recognition of the independence of the Confederacy with British coöperation.[2] The hearty response of the North to calls for money and men, and the indorsement of the administration in the elections of the autumn of 1863, showed that the two great victories had done much to dispel the discouragement and disaffection of the second year of the war.[3]

[1] See the exultant letter written by Henry Adams from London to his brother Charles Francis, Jr., on the news of the victories of Gettysburg and Vicksburg (July 23) in "A Cycle of Adams Letters" (W. C. Ford, Ed.), Vol. II, pp. 58f.

[2] As early as March, 1861, Mercier, the French minister at Washington, had advised Napoleon to recognize the Confederacy. Two weeks before the battle of Gettysburg, Slidell, the special Confederate envoy to France, interviewed the emperor, who sanctioned contracts for building cruisers for the Southern cause at Bordeaux and Nantes. "You may build the ships," said Napoleon, "but it will be needful to conceal their destination" (Schouler, Vol. VI, p. 434).

[3] An interesting feature of the rejoicing over the victories was Lincoln's proclamation of a day of national thanksgiving, borrowed from the old New England festival of the Puritans. The precedent has been followed every year since 1863 by our presidents.

Before the close of 1863 another major campaign resulted in the capture of a Confederate position second in importance only to Vicksburg. For six months after his New Year's battle at Murfreesboro, Rosecrans had idly confronted Bragg in central Tennessee. Finally, heeding the repeated exhortations of Halleck, he took the field late in June and by skillful strategy compelled Bragg to withdraw across the Cumberland Mountains and the Tennessee River into the northwest corner of Georgia. Rosecrans then occupied the town of Chattanooga on the southern bank of the Tennessee. But here his strategy ceased. Mistaking Bragg's concentration in the Chickamauga valley for a further retreat into Georgia, Rosecrans followed with hasty and imperfect formations, neglecting to secure the important heights of Lookout and Missionary Ridge on the south side of the river. He met a furious attack of Bragg's army on Chickamauga Creek, which broke his right and center, chasing men and officers (including Rosecrans himself) back twelve miles to the defenses of Chattanooga. Only Thomas, "the Rock of Chickamauga," stood firm on the left wing through the afternoon till nightfall, with his forces formed in a horseshoe, bearing the repeated onsets of Bragg's whole line (September 20) and retiring at last in good order to join his routed comrades. Bragg fortified the ridges skillfully and held Rosecran's army closely invested in Chattanooga, with only a single inadequate and harassed road over the hills to the northward for his supplies. Rations fell low, and horses and mules died of hunger by the thousands.

Rosecrans was saved from Pemberton's fate in Vicksburg by the prompt action of the administration. At Secretary Stanton's urgent request 16,000 troops under Hooker were detached from the Army of the Potomac and sent by rail via Washington, Indianapolis, Louisville, and Nashville, reaching the Tennessee River some forty miles below Chattanooga in eight days.[1] Reënforcements for Rosecrans were sent also from Grant's Vicksburg army, by way of Memphis, but as the river

[1] This exploit is one of the most conspicuous examples of the advantage which the North enjoyed during the war in its efficient railroad system.

was low and the Confederate cavalry raiders had made havoc with roads and bridges, these troops under Sherman did not reach Chattanooga until the middle of November. Meanwhile an important change in command had been effected. Grant, promoted to a major-generalcy in the regular army as a reward for his services at Vicksburg, was met in person by Secretary Stanton at Indianapolis and put in charge of all the armies between the Alleghenies and the Mississippi north of Banks's department of the Gulf States. He immediately replaced Rosecrans by the reliable Thomas, to whom he telegraphed to hold Chattanooga at all hazards till help should arrive. Thomas, with characteristic energy and with the invaluable engineering aid of General W. F. Smith, set about to secure lines of communication down the river. When Grant arrived at Chattanooga on October 23, "wet, dirty, and well," he found the morale of the troops improved and hope revived.

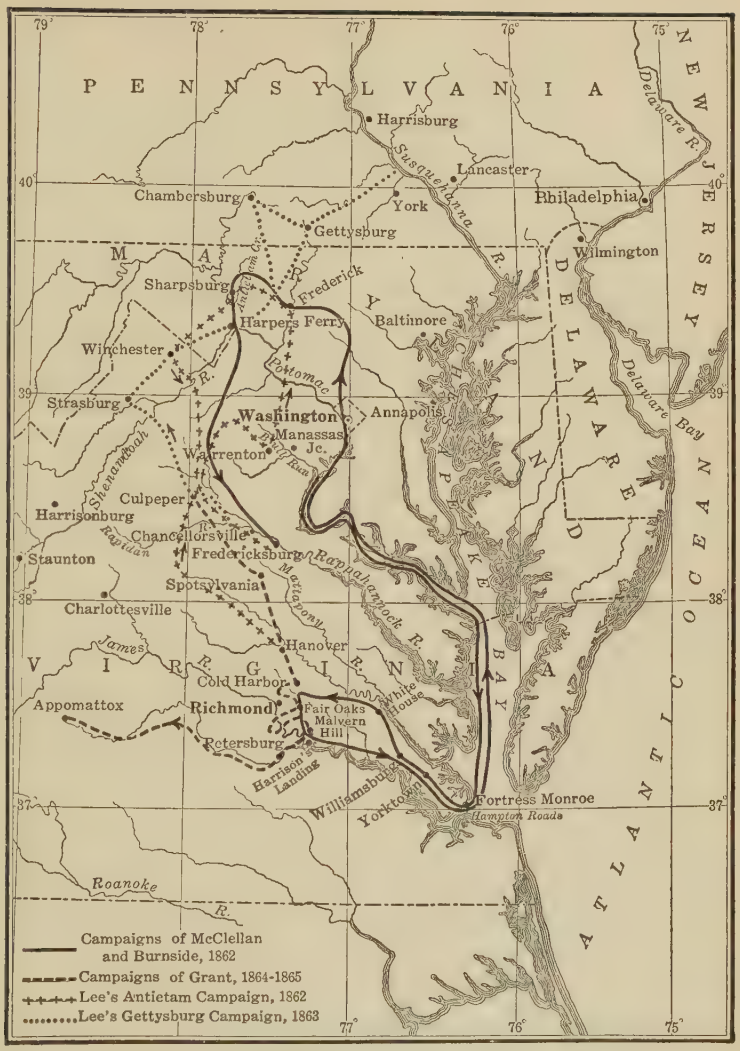
In another month, with Sherman's reënforcements at hand, Grant was able to begin the brilliant operations which drove Bragg's army from its strong positions on the heights south of the town. No more wonderful exploits in arms have been performed on our soil than the assaults of the three days (November 23–25) known as the battle of Chattanooga, where soldiers from the armies of the Potomac, the Cumberland, and the Mississippi coöperated under the command of the four greatest Union generals of the war—Grant, Sherman, Sheridan, and Thomas. On the first day Thomas's troops drove the Confederates from their first lines, and at midnight Sherman set 5000 men across the river. The next day Hooker led his soldiers up the slope of Lookout Mountain through rain and mist, fought the famous "battle above the clouds," and planted the Stars and Stripes on the topmost peak. But the greatest feat of all was reserved for Thomas's Cumberland troops on the third day. Ordered to take the Confederate rifle pits at the base of Missionary Ridge, they refused to pause after the work was done, but stormed up the broken, crumbling face of the ridge in an uncontrollable dash, led by the impetuous Sheridan, driving the enemy from his second line and continuing up the rough

steeps, "oblivious of the bristling rifle pits on the crest and the 30 cannon enfilading every gully." Reaching the top, they drove the astonished gunners and riflemen before them and sent Bragg down the eastern slope of the ridge in full retreat, burning his stores and bridges behind him. The victory of Chattanooga made Tennessee secure for the Union[1] and left the North only the task of subduing the old states of the southern Atlantic seaboard. The news of the great victory reached the Northern cities on the first national Thanksgiving Day.

From the close of the year 1863 the nature of the war was changed. It ceased to be a contest on anything approaching equal terms. The enormous resources of the North in men and money were placed ungrudgingly at the disposal of the government. Thanks to Secretary Chase's skillful financial management Lincoln could speak in his message of December, 1863, of "the prompt and full satisfaction of all demands on the Treasury." In the summer of 1863 the draft had been resisted at many points in the North, with a terrible riot in New York City costing 1500 lives. The war had been called a failure and Lincoln branded as a "tyrant."[2] But in 1864, drafts in March, July, and December for an aggregate of more than 1,000,000 men were quietly and quickly met. By sheer weight of numbers Grant and Sherman bore down on the diminishing armies of

[1] The protection of the inhabitants of the mountain regions of eastern Tennessee was always a matter of solicitude to Lincoln, but it was not till the summer of 1863 that the military situation allowed an army of relief to be sent to them. General Burnside occupied Knoxville while Rosecrans was forcing Bragg out of Tennessee. After his victory at Chickamauga, Bragg sent Longstreet to drive Burnside out of Knoxville, but the Federal victory at Chattanooga made Longstreet's position in the interior of the state untenable.

[2] Richard H. Dana wrote to Charles Francis Adams on March 9, 1863: "As to the politics of Washington, the most striking thing is the absence of personal loyalty to the President. . . . He has no admirers, no enthusiastic supporters, none to bet on his head. If a Republican convention were to be held tomorrow, he would not get the vote of a state. He does not act, or talk, or feel like the ruler of a great empire in a great crisis. . . . He is an unutterable calamity to us where he is. Only the army can save us. Congress is not a council of state. It is a mere district representation of men of district reputations" (C. F. Adams, Jr., "Richard Henry Dana," Vol. II, p. 264).



THE WAR IN EASTERN VIRGINIA, MARYLAND, AND PENNSYLVANIA

Lee and Johnston in the seaboard states of the South, slowly crushing their power of resistance. If there were still spasmodic offensives on the part of the South, like Morgan's cavalry raid into Ohio or Early's dashes down the Shenandoah Valley or Hood's desperate rush on Nashville, they were only the sudden flame that shoots from a dying fire. Never after Chattanooga did the Southern armies advance as they had advanced at Shiloh and the second Bull Run, at Sharpsburg, Murfreesboro, and Gettysburg, to achieve the victory that should seal the independence of the Confederacy.

General Sherman wrote in 1885 that it "was not till after both Gettysburg and Vicksburg that the war professionally began." By which he meant that only then did the seasoned Union soldiers, scientifically brigaded and under a unified command, move steadily toward a preconcerted goal. Congress, on the last day of February, 1864, revived the grade of lieutenant general, conferred only twice since Washington's day, and Lincoln immediately appointed Grant to this lofty honor, which carried with it the command, under the president, of all the armies of the United States. Sherman took Grant's place as leader of the combined armies of the West. The plan of campaign for 1864 was simple. Grant made his headquarters with the Army of the Potomac, of which he left Meade in nominal command. He was ready on the third of May to cross the Rapidan and begin his advance against Lee's army and Richmond. At the same moment Sherman, with the combined armies of the Ohio, the Tennessee, and the Cumberland, commanded by Schofield, McPherson, and Thomas respectively, moved from Chattanooga into Georgia, where Joseph E. Johnston had succeeded to Bragg's command. Both Grant and Sherman outnumbered their opponents about two to one; but both needed decided advantage in men, for Grant was moving in an unfamiliar region against an adversary who knew every foot of the land he was defending, and Sherman had to protect at every point an ever-lengthening line of railroad for his supplies. We need not trace in detail the summer's campaign of these two great armies as they gradually closed in on the Con-

federacy from the north and west. For a month Grant hammered his way toward Richmond, sacrificing tens of thousands of men in the battle of the Wilderness (the scene of Hooker's defeat just a year before), at the "bloody angle" of Spottsylvania, and in the reckless frontal assault on Lee's strongly fortified position at Cold Harbor. "I intend to fight it out on this line if it takes all summer," he telegraphed to Halleck after the Wilderness fight. But his terrible losses[1] led him to change his plan. Avoiding the strong defenses of Richmond, he transferred his army to the James, twenty miles below the city, and laid siege to the important railroad junction of Petersburg. An unsuccessful attempt to enter Petersburg through a breach in the fortifications (the famous "crater") made by the explosion of a huge mine, on July 30, was the last active offensive of the Army of the Potomac for the year.

This costly and ineffective campaign of the new lieutenant general, from whom rapid success was expected, brought mourning to thousands of homes and discouragement to millions of hearts. July and August were months of almost unrelieved gloom in the North.[2] General Jubal A. Early, operating against inferior Union commanders in the Shenandoah Valley, crossed the Potomac and appeared before the defenses of Washington on July 11. The city was barely saved by a detachment from the Army of the Potomac. Sherman was slowly advancing in Georgia, to be sure, but not without severe checks too, like that at Kennesaw Mountain, where on June 27 he sacrificed 3000 men in an attack on Johnston's trenches. Admiral Farragut's capture of the forts in Mobile Bay (the first note of cheer in the gloomy summer) did not come till the twenty-third of August. Meanwhile it looked as if the administration might go

[1] Grant's losses from May 4 to June 12 were 54,929, a number approximately equal to Lee's whole force at the opening of the campaign. In the assault at Cold Harbor, hardly less reckless than Burnside's at Fredericksburg, Grant lost 7000, with no compensating advantage gained, as he later confessed in his "Memoirs."

[2] A resolution passed Congress on July 2, 1864, asking Lincoln to appoint a day for humiliation and prayer, to implore the Almighty "as the supreme ruler of the world not to destroy us as a people."

down to defeat in the presidential election under the weight of military failure. Lincoln himself thought it "extremely probable" that he would not be reëlected and on the very day of Farragut's victory at Mobile wrote down his apprehensions in a secret memorandum. The Democratic convention, which met August 29 at Chicago, nominated General McClellan for president and adopted a platform containing a plank (written by Vallandigham) to the effect that "after four years of failure to restore the Union by the experiment of war . . . justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities."[1]

The autumn brought brighter hopes for the administration. On September 1 Sherman entered Atlanta. On October 19 Sheridan, by his dashing ride from Winchester, "twenty miles away," turned the defeat of Cedar Creek into a magnificent victory and drove the cavalry of Early out of the Shenandoah Valley. In the election which followed in November, Lincoln carried every state except New Jersey, Delaware, and Kentucky, although McClellan's minorities were large. The vote in the electoral college was 212 to 21, but the popular vote gave Lincoln less than 400,000 plurality in a total of 4,000,000.

Before the year was out two more tidings of victory came from the Union generals in the South. Sherman, cutting loose from his base and sending Thomas back to defend Nashville, marched through the rich fields of Georgia from Atlanta to the sea, with 60,000 men in four columns, living off the country and destroying railroads and public buildings in a wide swath of sixty miles.[2]

[1] It is only fair to McClellan to say that he repudiated this plank, while accepting the nomination of the party which was to "hurl the tyrant Lincoln from his throne." McClellan said that he could not look his old comrades in arms in the face if he indorsed the sentiment that the war was a failure.

[2] There has been much controversy over the conduct of the troops, and Sherman has been execrated as a vandal for the damage wrought on this famous march. Sherman was harsh in his determination that the South should feel the ravages of war. He wrote to Grant that he would "make Georgia howl." Yet he and all his officers asserted that no wanton damage was done by official orders. As a matter of fact, discipline was not strictly enforced, and camp followers, "bummers," and negroes undoubtedly committed acts of wanton destruction and pillage.

On the night of December 20 General Hardee got his garrison of 15,000 men out of Savannah into South Carolina by a pontoon bridge across the river, and Sherman took possession of the city, with 150 heavy guns and plenty of ammunition, and also about 25,000 bales of cotton, which he presented to Lincoln as a Christmas gift. Meantime General Hood, who had replaced Johnston when Sherman was approaching Atlanta, left Georgia to take care of itself as best it could and struck across the Tennessee River to crush Thomas. If he succeeded it would mean the undoing of Chattanooga, the reoccupation of Tennessee, and the opportunity for Hood with his victorious army to move eastward and coöperate with either the Confederate troops in the Carolinas or Lee's hard-pressed army near Richmond. The anxiety of the men in high position, from Lincoln down through Stanton, Grant, and Halleck, was great. Grant repeatedly urged Thomas to attack, and even went so far as to designate General Logan to supersede him. But Thomas knew his ground and coolly waited until he was ready. On December 15 he completely shattered Hood's force before Nashville. The Southern army, which had numbered 53,000 when Johnston had faced Sherman, melted away, and Hood was relieved from the service at his own request.

The victories of Sherman and Thomas in December practically brought the resistance of the South to an end. The spring months of 1865 found Davis and his Congress at odds. The destitution of the Confederacy could no longer be concealed. Desertions were frequent, food was scarce, Union money was circulating in spite of the prohibition of the government, and negroes began to be recruited in the armies. Public men, in ever-increasing numbers, were convinced that further resistance was hopeless. A delegation headed by Alexander H. Stephens met Lincoln and Seward at Hampton Roads, February 3, to discuss terms for the cessation of hostilities. Lincoln insisted on two points: the restoration of the Union and the abolition of slavery. The Southerners pronounced his terms "unconditional submission to the mercy of conquerors," and the conference broke up. Davis and Lee both upheld the Southern delegates

in their refusal to abandon the independence of the Confederacy. "I can have no common country with the Yankees," said Davis. "My life is bound up with the Confederacy. If any man supposes that under any circumstances I can be an agent of the reconstruction of the Union, he mistakes every element of my nature. With the Confederacy I will live or die." Lee told his soldiers in a proclamation that their choice was between "war and abject submission." Yet both these men lived to be reconciled to the United States of America, and Davis at the close of his history of the Confederacy wrote of the Union, "Esto perpetua!" The Southern leaders in the spring of 1865 utterly misunderstood Lincoln's conciliatory spirit. They used such phrases as "abject submission," "subjugation," "our arrogant foe," when arrogance or revenge was as far from Lincoln's thoughts as the east is from the west. His beautiful second Inaugural Address, delivered on March 4, breathed only magnanimity in his deep longing for a just, kindly, and lasting peace for the war-torn country, "with malice toward none, with charity for all."

Yet it is not strange that the deeds of Sherman spoke more loudly to the South than the words of Lincoln. The general, after a brief stay in the city of Savannah, began his march northward through the Carolinas—a march which he calls in his "Memoirs" "ten times as important" as his famous march through Georgia. Among officers and men there was much resentment against South Carolina, as the state responsible for the war. Columbia, the state capital, was burned the morning the Union troops entered the city (February 19). Although the responsibility for the conflagration has not been fixed to this day, and evidence points strongly to its origin in burning cotton fired by the townspeople themselves, Sherman was charged with the deed as the culmination of his policy of vandalism. It is in the light of the flames of Columbia that the reply of the South to Lincoln's terms of peace must be read.

Grant renewed active operations against Petersburg late in March. His army of 116,000 men gradually closed in upon Lee's force of less than half that number. On Sunday, April 2,

a messenger from Lee brought to President Davis, as he sat at worship in St. Paul's church, the warning that Richmond must be evacuated. The Confederate government left the city that night for Danville, and the next day Union troops entered, their bands playing "Rally round the Flag, Boys!" Lee tried to get his army to the hilly land of western Virginia, where he believed that he could maintain a defensive warfare for many months to come, but Sheridan's cavalry, spreading out along the Appomattox valley, headed him off, defeating his hungry, exhausted soldiers at Five Forks and bringing him to the bitter decision of surrender. Grant and Lee met at the McLean farm at Appomattox Court House, April 9. After a few minutes of friendly conversation recalling their old days of comradeship in the Mexican War, Grant drew up to a table and wrote out in a few sentences the liberal terms of surrender. All that was asked was that the soldiers should lay down their arms and return to their allegiance to the Union. The officers were allowed to retain their mounts and side arms, and the cavalry and artillerymen, at Lee's request, were permitted to keep their own horses, "to work their farms," as Grant said with his wonderful simplicity. Lee immediately signed the terms, with a gracious acknowledgment of their generosity.

The Army of Virginia had been the mainstay of the Confederacy. With Lee's surrender the submission of the other armies was only a matter of days. The surrender of Johnston to Sherman at Raleigh, North Carolina (April 26),[1] and of "Dick" Taylor's forces east of the Mississippi and Kirby Smith's west of the river to Canby (May 4 and 26 respectively) brought the end of armed resistance to the authority of the United States. Nearly 175,000 Confederate soldiers laid down their arms in those spring weeks of 1865 and returned to their

[1] On April 18 Sherman had entered into an agreement with Johnston, securing the promise of the surrender of all the Confederate troops to the Rio Grande in return for political engagements as to the treatment of the seceded states. Sherman transcended his competence as a military commander in discussing these political matters, and his arrangements were promptly disavowed by the government at Washington. However, his intentions were good, and the harsh censure meted out to him by Stanton was unkind if not undeserved.

plantations and homes to begin the long task of repairing the ravages of war. They had fought a valiant fight. The courage of the men and the self-sacrificing devotion of the women remain a cherished tradition in Dixie Land. But there are few, if any, of the children of those who fought for the "lost cause" who would wish today that the outcome of the Civil War had been different—none who would not now echo the final benediction of Jefferson Davis on our common Union: "Esto perpetua!"

Government and People in War Time

"In the clash of arms the laws are silent" runs the old Roman proverb. War tends inevitably to increase the power of the executive arm of government, even in democracies. Quick decision, unity of plan, efficiency in action, are the conditions of military success, which ill tolerates the slow deliberations of a legislative body or that insistence on the right of free expression of opinion which is cherished as a fundamental liberty by self-governing peoples. The United States and the Confederate States of America proved no exception to this general rule in the Civil War.

From the fall of Fort Sumter to the meeting of the extra session of Congress nearly three months later, Abraham Lincoln was virtually a "dictator." By executive proclamation he increased the regular army and navy of the United States by some 40,000 men, although he had no constitutional right to add a single man to a regiment or a ship. He proclaimed a blockade of the ports of the cotton states and threatened with the fate of pirates anyone who should molest the commerce of the United States, although a blockade is an incident of war and war had been neither declared nor recognized. He authorized General Scott to suspend the writ of Habeas Corpus and make military arrests anywhere on the line between Philadelphia and Washington, although the right to suspend the writ is enumerated among the powers of Congress in the Constitution (Art. I, sect. 9, par. 2), and a decision of Chief Justice Marshall at the

time of the Burr conspiracy had denied it to the executive. When Congress met on July 4, Lincoln confessed the unconstitutionality of his proclamations, which, he said, "were ventured upon under what appeared to be a popular demand and a public necessity." Congress promptly and enthusiastically ratified his actions. A "higher law" had superseded the Constitution—the law of self-preservation. Throughout the war Congress coöperated with the President, conferring on him the power to suspend the writ of Habeas Corpus whenever and wherever he deemed it necessary and allowing him great freedom in the interpretation and execution of its acts.

The administration at Washington was hardly consistent in its attitude toward the South. Lincoln held to the theory that the seceding states had not left the Union and could not leave the Union, but that groups of men in them, too numerous and powerful to be dealt with by the civil authorities, were in insurrection against the United States. To recognize the Confederacy as a belligerent power would be virtually to concede that it was another "nation," and yet to treat the Confederate armies and navies merely as masses of individual "traitors" would have been impossible and ridiculous.[1] Therefore, while maintaining its claim to sovereignty over the citizens of the seceding states (as shown, for example, by the Nonintercourse Act of July 13, 1861, the Confiscation Act of August 6, 1861, and the exemption of parts of the slaveholding states from the application of the Emancipation Proclamation), the government at Washington virtually recognized the sovereignty of the Confederacy over the same citizens by according them the status of a belligerent power, with exchanges of prisoners, paroles, and the reception of overtures for peace. It was inconsistency—but the alternative would have been rank inhumanity.

[1] The dilemma was presented in the autumn of 1861, when the crew of the privateer *Savannah* were brought as captives into New York Harbor. The men were convicted of piracy, in accord with Lincoln's proclamation of blockade. But when President Davis, invoking the *lex talionis*, threatened to treat an equal number of Union prisoners in the same way as these men were treated, the sentence was never carried out.

The policy of the government in regard to slavery was revolutionized by the war. On the day after the battle of Bull Run both Houses of Congress, in accord with the Republican platform and Lincoln's repeated statements, passed a resolution that "this war is not waged . . . in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those [seceded] states, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several states unimpaired; that as soon as these objects are accomplished the war ought to cease." But when it appeared that the slaves were employed in the Confederate army, driving munition wagons, cooking in the camps, and digging at the trenches and fortifications, a Confiscation Act was passed (August 6) declaring such of them as "were required or permitted to work in or upon any fort, navy yard, dock, armory, ship, or intrenchment against the lawful authority of the United States," to be forfeited. This act did not go far enough for those who believed that, since slavery was the cause of the war, extermination of slavery should be the first object of the war. General Frémont, commander of the Department of the West, issued a proclamation (August 31) emancipating the slaves of all persons in Missouri in rebellion against the United States, but Lincoln ordered him to modify the proclamation to accord with the Confiscation Act.[1] The President's great desire was to win the border states to a policy of compensated emancipation, and Congress went so far as to pass a resolution in April, 1862, offering to loyal slaveholders a maximum of $300 for each slave. On July 14 he summoned the members of Congress from the border states to the White House to urge them in person to accept this offer,

[1] A similar proclamation by General Hunter of the Department of the South, nine months later, emancipated the slaves in the states of South Carolina, Georgia, and Florida. Lincoln repudiated this order too, declaring that he must reserve to himself the responsibility of setting the slaves free in any state, in his capacity as commander in chief of the army and navy.

but to his bitter disappointment they refused.[1] A week later Lincoln read to his cabinet the draft of the Emancipation Proclamation. On the wise advice of Seward he postponed issuing the proclamation until a Union victory in the field should give it weight. Shortly after Lee's invasion of Maryland was checked at Antietam, Lincoln published the proclamation (September 22), which announced that on January 1, 1863, he would declare "forever free" the slaves in all the states which were in arms against the authority of the Federal government on that day.

The Emancipation Proclamation was not an abolitionist document but a military punishment. It did not alter the actual status of the negro in the South, because it applied to just that part of the South where President Lincoln's authority was not recognized, and explicitly exempted those regions where it was recognized. Only the conquest of the South by arms actually liberated the slaves. Neither did the Proclamation accomplish the legal emancipation of the slaves. Except where it was done by state action (as in Missouri, Maryland, and Tennessee) this waited for the ratification of the Thirteenth Amendment in 1865. If, then, the Emancipation Proclamation meant neither the actual nor the legal abolition of slavery, one may ask why it should be classed with the Declaration of Independence and the Constitution of the United States as one of the "immortal" documents of our history. The answer is, Because it was the announcement that henceforth the war was to be waged not only for the preservation of the Union but also for the permanent banishment of slavery from its borders. Congress had abolished slavery in the District of Columbia in April, 1862, and in all the territories of the United States in June. From the summer of 1862 on, President Lincoln made the acceptance of a general emancipation program, as well as the restoration of the Union,

[1] Unfortunately the conference took place in the days of discouragement just after McClellan's failure before Richmond. James G. Blaine, in his "Twenty Years of Congress" (Vol. I, p. 447), says, "The border state men, becoming doubtful of Union success, preferred to keep their slaves rather than part with them for bonds which would soon become valueless."

a *sine qua non* of any terms of peace (see the Hampton Roads conference, p. 589[1]).

The effect of the Emancipation Proclamation upon Europe was wholly favorable to the Union cause. Whether there should be one or two federations of states between Canada and the Gulf of Mexico was of little concern to most of the people across the Atlantic, but a war to abolish slavery roused the hearty response of all the humanitarian sentiment among the liberals of Great Britain and the Continent. A monster mass meeting, held in Exeter Hall in London, on January 29, 1863, acclaimed the Proclamation with cheers. Addresses of congratulation came to Lincoln from antislavery societies and trade-unions. The workers of Manchester, although reduced to poverty by the stoppage of the cotton supply from the Southern states, sent a letter of sympathy, to which Lincoln gratefully replied in his own hand.

At home, however, the results of the Proclamation were disappointing. It tended to unite the South and divide the North. The Southern press cynically referred to it as an attempt to stir up hatred against the slaveholder in order to "atone for defeat in the field";[2] and malicious newspapers represented the language of the Proclamation as encouragement to negro insurrection.[3] Montgomery Blair, the Postmaster-General, warned

[1] From the Emancipation Proclamation to the end of the war 180,000 negroes were enlisted in the Northern armies and fought with conspicuous bravery. The Confederate Congress, on May 1, 1863, passed a resolution to the effect that "every white person being a commissioned officer . . . who shall command negroes or mulattoes in arms against the Confederate States . . . shall be deemed as inciting servile insurrection, and shall if captured be put to death or be otherwise punished at the discretion of the court." Yet toward the end of the war Jefferson Davis himself advised the Southerners to enroll their slaves "as an alternative to subjugation." General Lee approved the plan, believing that the negroes could be made "efficient soldiers," and on March 13, 1865, an act of the Confederate Congress provided for the "enlistment of colored people." The war ended before there were actually any negro regiments in the Southern armies.

[2] The autumn of 1862 was the period of the brightest hopes of the South. It was in the very month of the Proclamation that the great triple offensive was launched by the Confederate armies (see page 571).

[3] A clause in the document read, "The executive government of the United States, including the military and naval authorities thereof, will recognize and

Lincoln that the Proclamation "would cost the administration the autumn elections." As a matter of fact, the Democrats did carry the important states of New York, Ohio, Pennsylvania, Indiana, Illinois, and Wisconsin, all of which had gone for Lincoln in 1860, and gained 32 seats in the House of Representatives. A narrow majority in Congress was saved for the administration only by the return of a solid Republican delegation from Maryland, Missouri, and Kentucky, where the voting was conducted under the supervision of Federal troops. But it is impossible, as is generally the case in American elections, to say how far the result was due to a single issue. There were causes enough for a Republican reverse at the polls in the autumn of 1862 besides the Emancipation Proclamation; military arrests, the suppression of free speech, the suspension of the writ of Habeas Corpus, the failure of McClellan in the Peninsular campaign, the withdrawal of Lee's army intact from Maryland and of Bragg's from Kentucky.[1]

The first step in the process which was to make the abolition of slavery final and legal was taken on December 14, 1863, when the fortunes of the North had been repaired by the victories of Gettysburg, Vicksburg, and Chattanooga. Representative Ashley of Ohio introduced into the House a Thirteenth Amendment to the Constitution, prohibiting slavery within the United States or any place subject to their jurisdiction. A test vote in the House failed to secure the two thirds necessary for adoption, and the matter rested there until the next meeting of Congress, in December, 1864. Farragut had captured the forts of Mobile Bay, Lincoln had been triumphantly reëlected, and Sherman had completed his famous march to the sea by the occupation

maintain the freedom of such persons [slaves] . . . in any efforts they may make for their actual freedom." The London *Saturday Review*, violently pro-Southern, said, "The American law-giver not only confiscates his neighbors' slaves, but orders those slaves to cut their masters' throats."

[1] Indeed, it was the opinion of men like Grimes of Iowa and Sumner of Massachusetts that the Emancipation Proclamation had actually saved the administration from defeat in the elections of 1862. "We made the Proclamation an issue," wrote Grimes to Chase, "and carried the state (Iowa) by bringing the radical electorate up to the polls."

of Savannah when the momentous measure came before the House for the final roll call, on the afternoon of January 31, 1865. The yeas were 119, the nays 56. When the vote was announced the members rose from their seats cheering wildly, while the crowded galleries answered with equally jubilant defiance of parliamentary rules. In honor of the great event the House immediately adjourned. The Thirteenth Amendment was ratified during the year by the legislatures of three fourths of the states and proclaimed in force in December. The cancer which for generations had been feeding on the strength of the Republic and for more than a decade threatening the life of the Union was finally removed by the dreadful surgery of civil war.

Both President Lincoln and President Davis had to endure a vast amount of opposition from their own sections during the Civil War. Lincoln's deliberation was interpreted as vacillation, his poise as baffled confusion, and his silence as a confession of political and military bankruptcy. In the same breath he was ridiculed as a "Simple Susan" and denounced as a "tyrant." The strict constitutionalist was offended by his assumption of "despotic" power in suspending the writ of Habeas Corpus and making military arrests. The men who were more concerned for the preservation of their personal liberty than for the preservation of the Union resented the arbitrary proclamations interfering with the freedom of speech and action.[1] The extreme abolitionists thought that the South, cursed with slavery, was not worth keeping in the Union—especially at the cost of rivers of blood and unlimited treasure. The more moderate abolitionists scolded Lincoln for repudiating the proclamations of Frémont and Hunter and for not making the war from the beginning a crusade against slavery.[2] The

[1] Especially the drastic proclamation of September 24, 1862, subjecting to military arrest, imprisonment without bail or privilege of the writ of Habeas Corpus, and trial by court-martial of all persons "discouraging volunteer enlistments, resisting military drafts, or guilty of any disloyal practice, or affording any aid and comfort to rebels against the United States."

[2] Horace Greeley's editorial entitled "The Prayer of Twenty Millions," in the *New York Tribune* of August 20, 1862, was the most conspicuous example of the pressure brought to bear on Lincoln to declare immediate emancipation.

Copperheads, like the secessionists, protested against the "coercion" and "subjugation" of "sovereign states." The slacker resented the Conscription Act of March 3, 1863, and resisted the draft.[1]

Even Congress, which had loyally supported the President since its ratification of his extraordinary war measures in the summer of 1861, finally turned against him. Lincoln issued a proclamation in December, 1863, looking toward the restoration of the seceded states to their place in the Union. Whenever 10 per cent of the qualified voters of 1860 in any state should take an oath of allegiance to the United States, accept the acts of Congress and the proclamations of the President on the subject of slavery, and reëstablish a state government, he would recognize that government as a true state.[2] The radical Republicans and the Democrats, under the lead of Henry Winter Davis of Maryland in the House and Benjamin Wade of Ohio in the Senate, opposed Lincoln's plan as too lenient to the South and a usurpation of power by the executive. They got a bill through Congress declaring that the seceded states were out of the Union and requiring a clear majority of the voters of any state to take the oath of allegiance before its reconstruction could begin. For readmission into the Union a state must accept the abolition of slavery, repudiate its debt incurred in the

Lincoln patiently replied: "My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it. . . . What I do about slavery and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I believe it would not help to save the Union."

[1] A severe draft riot occurred in New York in July, 1863, in which over a thousand persons lost their lives, and which was quelled only after four days of horror, by an order from the provost marshal suspending the draft in New York and Brooklyn and by the return of the militia regiments from Gettysburg. A chief cause of the riot was the hostility between the immigrant laborers and the colored men of New York. The Irish resented the employment of negroes as strike-breakers and refused to be drafted into a war to fight for "niggers."

[2] This was limited, of course, to executive recognition. Lincoln had no power to assure representatives and senators from the restored "states" seats in Congress, each House being the judge, by the Constitution, of the qualifications of its own members.

support of the Confederacy, and exclude certain classes of people from holding office. The Davis-Wade Bill was submitted to the President for his signature on the very day (July 4, 1864) that Congress was to adjourn. Unwilling to accept the doctrine that the seceded states were out of the Union, or to adopt as yet any single rigid scheme for their reconstruction, or to see the work already begun in Louisiana, Arkansas, and Tennessee under his 10 per cent plan undone, Lincoln withheld his signature from the Davis-Wade Bill.[1] The authors replied by a fierce attack on the President in the *New York Tribune*, accusing him of a "studied outrage on the legislative authority of the people" at the dictation of personal ambition and warning him that "if he wishes our support, he must confine himself to his executive duties—to obey and execute and not to make the laws —to suppress by arms armed rebellion, and leave political reorganization to Congress." It is little wonder that under the burden of political opposition and personal detraction greater than that borne by any other president since the days of George Washington the lines in Abraham Lincoln's face deepened into furrows and the genial smile faded from his lips and eyes.

Jefferson Davis had perhaps even a harder burden to bear. At least, he lacked the qualities of his Northern rival which alleviated the burden. In the place of Lincoln's physical robustness he had a nervous, delicate, high-strung constitution. His wife wrote that again and again he came home from his office tormented by a racking headache and apparently on the verge of a complete mental collapse. His mind was rigid, lacking that great flexibility of judgment and willingness to be persuaded which were so conspicuous in Lincoln's mental temper. He was not charitable of opposition, and, above all, he entirely lacked the saving grace of humor, which in Lincoln's large mind was

[1] As the president has ten days for the consideration of any bill passed by Congress, he can defeat a bill handed to him within ten days of adjournment simply by putting it in his pocket. The "pocket veto" of the Davis-Wade Bill was important as the first gun in a long and bitter battle between the president and Congress over their respective spheres of authority in dealing with the reconstruction of the seceded states.

From the Frederick H. Meserve Collection

JEFFERSON DAVIS

the solvent of a thousand cares and worries. The exigencies of war compelled Davis to be as "autocratic" as Lincoln, but the temper and tradition of the South were far less favorable to executive centralization. It was only as a "nation" that the South could fight the war with any hope of success, yet the inveterate states'-rights pretensions constantly stood in the way of Southern nationalism. Nothing could exceed the fidelity of the men and officers in the field and the self-sacrificing devotion of the women at home to the Southern cause, but the political opposition to President Davis's conduct of the war, in the press, the Congress, and the state governments, was constant and bitter. Editors of influential papers called him "an incubus" and spoke of him as directing the war "from his cushioned seat in Richmond." His vice president, Stephens, characterized him as "a man of good intentions, weak, vacillating, timid, petulant, peevish, obstinate, and aiming at absolute power." A Virginia newspaper friendly to the administration begged the opposition press to stop complaining of "imaginary violations of the Constitution" and to hold up the president's hands; for "only when our independence is achieved, established, and acknowledged," it said, "will the sovereignty of the states be a reality."[1]

Governors of states, especially the original states of the seaboard, resisted the acts of Congress for the conscription of men, the impressment of food, the suspension of the writ of Habeas Corpus, the control of the militia, and the regulation of their exports and imports, as an invasion of their sphere of authority. The convention of South Carolina proposed to allow no recruitment of soldiers within the state except with the consent of the legislature. The impetuous Governor Joseph Brown of Georgia denounced the Conscription Act as "unconstitutional" and scolded the administration after the fall of Atlanta for "leaving Georgia to her fate." He threatened the Secretary of War, Seddon, that he would call all the sons of Georgia to "return to their state and rally round her glorious flag." He was ready to fight both the Union and the Confederacy if they did not stop

[1] General Lee, with unwonted sarcasm, remarked that "the mistake of the South was in making all its best military officers editors of newspapers."

invading the sovereign rights of Georgia. Governor Vance of North Carolina, a precisionist and an obstructionist, carried on an acrimonious and interminable correspondence with the authorities at Richmond, objecting to every measure of Congress or the executive that was designed to help win the war. He freed military prisoners by the defiant issue of the writ of Habeas Corpus, ignored the orders from Richmond for the control of commerce and the requisition of produce, threatened at one time to raise militia to drive the regular troops out of a part of his state, and gave his belated support wholly to the Southern cause only toward the close of the war, when he was confronted with the dilemma of choosing between the peace party, who were willing to "secede from secession," and the war party, who stood for Southern independence. Vance seemed incapable of realizing that it was impossible for the South to wage the war with the remotest prospect of success if the sovereign rights of the states were to remain unimpaired. Compared with the behavior of Brown and Vance the opposition of Governor Seymour of New York to Lincoln was mild. In no state of the secession did Davis have the cordial and enthusiastic support that was given to Lincoln by war governors like Andrew of Massachusetts, Morton of Indiana, Yates of Illinois, Dennison, Tod, and Brough of Ohio, Randall of Wisconsin, Sprague of Rhode Island, and Curtin of Pennsylvania.

After Cameron's removal from the War Department at the beginning of 1862, no member of Lincoln's cabinet was seriously antagonized by Congress until political opposition to the Blairs caused the resignation of the Postmaster-General, in September, 1864. But the legislature at Richmond was constantly harassing President Davis's secretaries and forcing changes in the cabinet. The special objects of criticism were C. C. Memminger of the Treasury and the brilliant Judah P. Benjamin, "the ablest, most versatile, and most constant of all Davis's civil counsellors," who occupied successively the positions of Attorney-General, Secretary of War, and Secretary of State, and whom Davis, in spite of the most bitter attacks from Congress, steadfastly refused to dismiss. At the beginning of 1865 a delegation

from Congress waited on President Davis with the request that all the members of the cabinet except Secretary Trenholm (who had succeeded Memminger in the Treasury) be asked to resign; and at the same time there were rumors of a cabal in Congress (like the Conway Cabal in the Revolutionary War) to set aside Davis himself and offer a dictatorship to General Lee.

Notwithstanding all this opposition to the "tyranny" of Jefferson Davis, the Confederate administration was, on the whole, more observant of constitutional limitations than was the Federal government. Lincoln was authorized by the act of March 3, 1863, to suspend the writ of Habeas Corpus whenever and wherever he pleased; but the Confederate Congress, in spite of the fact that the invading armies were encamped on the soil of the South, never gave President Davis this blanket authority. The writ was suspended in the South only for limited periods between the spring of 1862 and the summer of 1864, and military arrests were allowed only for "treason, conspiracy, desertion, and communicating intelligence to or trading unlawfully with the enemy."[1] The Confederate Congress never made its paper money (Treasury notes) legal tender, as the North did the "greenbacks"; it never created a national banking-system to float and support its bonds, as Secretary Chase did (see page 607); it never organized a Supreme Court, as it was directed to do by the Constitution, "in view," says Schwab, "of the particularistic feeling which such an enlargement of the central authority would have necessarily stimulated."[2]

Turning now from the strictly political to the politico-economic aspects of the two sections, we note first the striking difference in the methods of the North and of the South in providing the enormous sums of money needed to finance the war. The North was a highly developed industrial and agricultural country, with large amounts of money in circulation and on deposit in the banks, thus offering the government a fair field for loans and taxes. Except in a few centers, like New Orleans,

[1] Compare the drastic proclamation of Lincoln's of September 24, 1862 (page 598, n. 1).

[2] J. C. Schwab, "The Confederate States of America," p. 220.

Charleston, and Richmond, the South had scant supplies of fluid capital. Its wealth was in the cotton crop, and the eventual marketing of that crop was the resource on which the entire fiscal policy of the Confederacy was based. Though the North issued about $450,000,000 of greenbacks, or non-interest-bearing Treasury notes, these notes were hardly more than one fifth of the regular bonded loans, with interest payable in coin; and after the machinery of taxation in customs duties, internal revenue, and income taxes got to working, the amounts received from these sources more than equaled the issues of paper money.

The South, on the other hand, became committed early in the war to the issue of Treasury notes and never realized more than trifling amounts of specie from taxation or loans. Just what volume of non-interest-bearing notes the Confederate government issued is not known, but conservative scholars estimate it at no less than $1,000,000,000. For example, in the first nine months of the year 1863 the receipts of the Confederate Treasury were $600,000,000, of which only $5,000,000, or less than 1 per cent, were from taxes, $153,000,000 (25 per cent) from the sale of bonds, and $442,000,000 (74 per cent) in notes. Although the Confederate government did not make the notes legal tender,[1] it still found itself obliged, by their rapid depreciation, to resort to partial repudiation. In February, 1864, when the paper dollar was worth only 6 cents, the holders of the notes were given the option of converting them into 4 per cent bonds or accepting a new standard of value, in which three of the old dollars were equal to two of the new. This act gave the finishing stroke to Confederate credit. Secretary Trenholm wrote to Governor Bonham of South Carolina in August, 1864, "Apprehensions of ultimate repudiation crept like an all-pervading poison into the minds of the people, and greatly diminished the purchasing power of the notes."

[1] Some of the state governments, however, compelled creditors to receive the notes, and public opinion was exerted in various ways to coerce those who refused them. The legislature of Florida passed an act in 1863 providing that anyone who was exempt from military service should be put into the ranks immediately if he refused to accept the Treasury notes.

The North was slower than the South in making provision for the war. Long before the extra session of Congress met at Washington, July 4, 1861, the provisional Congress at Montgomery had seized the money in the mints of the South and secured nearly half the available specie in the Southern banks by a $15,000,000 loan at 8 per cent, the interest on which was guaranteed by an export duty of one eighth of a cent a pound on cotton. In March it had issued the first $1,000,000 of Treasury notes and in May provided for a loan of $50,000,000 (later increased to $150,000,000) in twenty-year bonds, for which cotton and produce were receivable. The Federal Congress in July authorized Secretary Chase to borrow $250,000,000, increased the tariff, and levied a direct tax of $20,000,000 on the states and an income tax of 3 per cent on incomes above $800. By an appeal to the New York bankers Chase secured a loan of $150,000,000 in August, but the opening of the year 1862 found the Federal government in debt $100,000,000, with an estimated need of $250,000,000 to $300,000,000 more before the end of June. The people of the North were able and willing, as the event proved, to bear heavy taxation, but it would be at least a year before the new tax schedules would yield their revenue to the Treasury, and meanwhile the need for money was pressing. "We must have at least $100,000,000 during the next three months," said Spaulding in the House, "or the government must stop payment."

Under these circumstances, and in spite of great opposition from bankers and economists, Congress resorted to that most tempting, dangerous, and ultimately most expensive method of procuring funds; namely, the creation of an unsupported paper currency. An act of February 25, 1862, authorized the issue of $150,000,000 non-interest-bearing Treasury notes, which were to be legal tender, receivable for all debts and public dues except duties on imports. On the same day Congress voted an issue of $500,000,000 in 6 per cent bonds, due in twenty years but redeemable at the pleasure of the government after five years. These bonds were called the "five-twenties." The Treasury notes, or greenbacks, were convertible into the five-

twenties, and it was hoped that they would be rapidly turned into the Treasury in payment for the bonds. A new tax bill followed on July 1, imposing taxes on almost every product of industry and process of exchange.[1] On July 14 the tariff was raised.

The greenbacks, aside from being of doubtful constitutionality,[2] were a source of injustice, since they furnished debtors with a currency for paying their debts cheaper than that in which debts had been contracted. Moreover, the easy expedient of printing paper and endowing it with the quality of "money" by *fiat* proved (as it always has in history) too strong a temptation to a government in urgent need of funds. What was intended as a temporary stimulant became a regular diet. By successive issues the volume of greenbacks was raised to $449,338,902 in 1864. The inevitable result was an inflation of prices and speculation in specie. Gold stood at 172 in February, 1863, and rose to 285 in July, 1864, when General Early was threatening the defenses of Washington. The government thought that it would be more profitable to issue greenbacks than to sell its bonds for what they would bring in the market (estimated at 60); but it actually lost hundreds of millions by this policy.[3] For with gold at 285 the government was receiving for its bonds paper dollars worth only 35 cents and was paying in coin 17 per cent on its 6 per cent bonds.

At the opening of 1863 the Federal government was in a bad way financially. The debt was nearing $1,000,000,000, and the expenses were $2,500,000 a day. The arrears of pay to the soldiers and sailors were $60,000,000. Gold was at a premium

[1] These taxes, growing with business, brought to the Treasury the immense sum of $311,000,000 during the year 1866.

[2] The Constitution (Art. I, sect. 10, par. 1) forbids the states to make anything but gold and silver legal tender, and it was argued that the national government could not, or should not, commit an economic injustice which it had forbidden to the states. In a case in the Supreme Court, five years after the war, Chase himself, then Chief Justice, pronounced against the constitutionality of the greenbacks.

[3] It also bequeathed the country the "greenback problem" in currency legislation, which was not settled until fifteen years after the war.

of 72. The bonds were not selling, and the failure of the Army of the Potomac to take Richmond had brought widespread discouragement. At this critical time Secretary Chase executed the most successful financial measure of the war in the creation of the national banking-system. On February 25, 1863, an act of Congress provided that any group of not fewer than five persons, furnishing a capital of $100,000 in cities of over 10,000 inhabitants and of $50,000 in smaller centers, might organize a banking-association. They must purchase United States bonds to the amount of at least one third of their paid-up capital, and in return they should receive from the Comptroller of the Currency notes equal to 90 per cent of the market value of the bonds. These "bank notes" were a true national currency, receivable for all dues to the United States (except customs duties, which must be in coin for the payment of the interest on the bonds) and protected from the fluctuations of the state-bank currency by the credit of the United States bonds behind them. By an act of March 3, 1865, a tax of 10 per cent was imposed on the notes of the state banks, driving them out of circulation. They had been a source of confusion and embarrassment in our currency since the formation of the government, and their replacement by a national currency was one of the most beneficent results of the Civil War.[1]

The National Bank Act was a blessing in every way. Besides creating a stable and reliable[2] national currency it opened an eager market for the sale of the government's bonds. $300,000,000 of greenbacks came into the Treasury in exchange for them. The bankers, in addition to receiving the interest on the bonds deposited with the Comptroller, enjoyed the profits from

[1] In 1861 there were nine hundred state banks issuing notes without a specie basis. According to the *Bankers' Magazine* of January, 1863, $170,000,000 of the $202,000,000 of state-bank notes then in circulation had either no security or very bad security behind them. Various bankers' associations had tried in vain to cope with the situation, by refusing to accept the issues of banks which did not comply with certain rules.

[2] The notes of the state banks were subject to all kinds of fluctuations and were so easily counterfeited that a manual called the *Bank Detector* was an indispensable equipment for every cashier.

the loan of the bank notes; and the business interests of the country at large, through the multifarious transactions of credit and discount, were enlisted in the support of the government securities which lay behind their currency. It was an ingenious device for distributing the burden of the debt through the community without the sinister features of a forced loan or currency inflation, which characterized the issue of the greenbacks. And the national-bank system served the country well until the twentieth century, when the bonded indebtedness of the United States became too narrow a basis for the support of a currency adequate to the increasing volume of business.[1] Three months after the act the condition of the Treasury was greatly improved. The victories of Gettysburg, Vicksburg, and Chattanooga further strengthened the public credit, and in his annual message of December, 1863, President Lincoln could announce, with other cheering news, that "all demands on the Treasury" had been "promptly met and fully satisfied," and that "by no people were the burdens incident to a great war ever more cheerfully borne." There was discouragement enough, and political disaffection to follow in 1864, but national bankruptcy was not among the worries.

The financial condition of the South, on the other hand, grew steadily worse after the spring of 1863. When the $20,000,000 or so of specie obtained at the beginning of the war[2] had been exhausted by the purchase of supplies and munitions abroad, the Confederate government found it impossible to get money. The flood of Treasury notes sent prices soaring, and as expenses increased, the only way of meeting them was by new issues of notes—making a vicious financial circle. The Confederate paper dollar was worth only 33 cents in gold at the beginning of 1863. After Gettysburg and Vicksburg it sank to 10 cents, after Chattanooga to 5 cents, and at the close of the war to 1.6 cents. Flour sold at $1000 a barrel, shoes at $200 a pair, coffee at

[1] The remedy was found in the Owen-Glass Act, of 1913, which established the Federal Reserve banking-system.

[2] This had been secured through the seizure of the money in the mints and from the $15,000,000 loan, which took most of the available specie in the banks.

$40 a pound, and wood at $5 a stick. When the farmers refused to sell their produce for the depreciated notes, the government commandeered it by impressment. But the process was wasteful and inefficient. Supplies of beef, bacon, flour, and cotton were accumulated at points whence they could not be distributed for lack of an adequate transportation system, or were destroyed before the advance of the Federal armies or sold by dishonest agents. The fever of speculation raged. Everybody was anxious to convert the sinking notes into commodities before they sank still further. A national banking-system like that of the North, although discussed, was impossible, for there was no stability in the bonds on which it must necessarily have rested. Even the best of the bond issues (the $15,000,000 loan, secured by the duty on cotton exports), which stood at 90 in the spring of 1862, dropped to 40 before the end of the year, as the blockade shut off the cotton trade, and were quoted at 5 and under in 1864.

The most promising attempt of the Confederate government to secure specie from abroad was the Erlanger loan. Early in 1863, when the military hopes of the South were high, Secretary Memminger arranged with Émile Erlanger, a Paris banker, for floating in Europe a loan of $15,000,000, bearing 7 per cent interest, the principal payable in New Orleans cotton at 12 cents a pound, within six months after the conclusion of peace. As cotton had advanced in England from 14 cents a pound in May, 1861, to 44 cents in December, 1862, the loan offered roseate promises of profit—provided the South could get the cotton to Europe.[1] Erlanger took the bonds at 77 and sold them readily in England at 95½, the loan being oversubscribed in London threefold in two days. But with the improvement in the Federal finances the Erlanger bonds began to drop. The Confederate

[1] At the time of the loan the Confederate government had on hand over 350,000 bales of cotton, obtained from the produce loan and impressment, which at 12 cents a pound would have far more than covered the Erlanger loan. But the inexorable Federal blockade kept the cotton from the market. Of all the 430,000 bales which the government secured during the war, less than 20,000, or 5 per cent, got through the blockade.

government spent $6,000,000 of the proceeds in "bulling" the London market, buying back the bonds at 90 to keep the price up. But it was in vain. Gettysburg and Vicksburg sent them down to 65; Chattanooga, to 37. They recovered with the renewal of Confederate hopes in 1864, and on McClellan's nomination for the presidency on a platform which promised peace they reached 84; but they quickly fell off again, and became worthless with the triumph of the Union arms in 1865. The bondholders lost $10,000,000.[1] The Confederate government, after deducting the discounts and commissions to Erlanger and the money spent in bulling the market, realized only $6,250,000.[2] Only Erlanger profited by the transaction, clearing up some $2,500,000 on the deal.

In the Civil War, as in all wars, "the instincts of trade conflicted with the instincts of patriotism." The extremity of the government was the opportunity of the profiteer. Huge profits were made by selling supplies (often of inferior quality) to the government and by speculating in the fluctuating values of all commodities. The high price of cotton in the North offered temptations to the planter that could not be resisted. Politicians, officials of the government, and even generals in the field speculated in cotton. Northern currency was quoted on the Richmond exchange and freely circulated in the South at the close of the war in spite of laws against it. The economic condition of the Confederacy can be summed up in a word: the blockade isolated the South, which was not sufficiently developed in manufactures, transportation, banking, or capital accumulations to take care of itself. The blockade starved the South into surrender. None of the Northern victories, except Vicksburg and Nashville, wiped out Southern armies; but the steady pressure of the blockade reduced the whole

[1] From time to time for twenty years after the close of the war the English bondholders entertained hopes of recovering some of their lost fortunes, even though the Confederate debt was repudiated by the Fourteenth Amendment.

[2] Schwab estimates that this $6,250,000, with the $15,000,000 loan of 1861 and the $5,500,000 from customs and the mints,—a total of about $27,000,000,—"constituted the entire specie revenue of the Confederacy during its four years existence" (J. C. Schwab, "The Confederate State of America," p. 42).

South to a degree of destitution which made the further support of armies impossible.

The North, on the other hand, after a temporary economic embarrassment caused by the actual shock of war, the loss of the Southern markets, the confiscation of the $200,000,000 owed to the North by the Southern planters and merchants, the drain of specie from the banks, and the disappearance of a metallic currency,[1] entered with the year 1863 on a period of industrial prosperity which continued increasingly through the war. Professor Fite, in his "Social and Industrial Conditions in the North during the Civil War," has presented a bewildering array of statistics to show the progress in agriculture, manufactures, commerce, transportation, public works, education, and charities in these four years. The unprecedented demand of the government for supplies of all kinds,—munitions, horses, wagons, blankets, shoes, clothing, and food,—the enlarged European market for our grain and beef, and the issue of an abundant national currency all stimulated industry and sent prices soaring. Millionaires began to abound, and, while luxury and extravagance ran riot, contributions to charities and endowments were never more generous. The Sanitary Commission, the Christian Commission, Ladies' Aid Societies, and numerous other associations for the relief of the soldiers and their families were the precursors of the Red Cross,[2] the "Y's", the Knights of Columbus, and other relief agencies of the great World War. The Sanitary Commission alone spent about $25,000,000 for the care and comfort of soldiers in the field and in soldiers'

[1] The banks suspended specie payments at the close of 1861, and not only gold but silver began to be an object of speculation. Silver coins disappeared from circulation, and their place was taken by postage stamps and "shinplasters"—or tokens of indebtedness issued by tradesmen, hotel and restaurant keepers, business concerns, and shopkeepers. By an act of July, 1862, Congress prohibited the use of shinplasters, and later substituted for the inconvenient, sticky postage stamps a varicolored "scrip" of small notes ranging in value from 3 to 50 cents. This paper "fractional currency" was not replaced by coins for more than a decade after the war.

[2] The Red Cross was organized, at Geneva, in 1863, but not joined by the United States until after the Civil War.

homes. The women, both North and South, were tireless in their devotion to works of mercy, though the women of the South were called upon to endure a greater burden of self-sacrifice and sorrow than their more fortunate sisters of the North.[1]

The war brought important developments in the relations of capital and labor. It hastened the tendency, visible in the decade of the fifties, toward the consolidation of capital. In the first place, the needs of the government encouraged business on a large scale. The enormous currency issues and the huge profits furnished abundant capital for investment. Rising prices called for the reduction of expense in management and overhead charges. The multiplicity of taxes on products in every stage of manufacture made the combination of as many industrial processes as possible in a single establishment profitable.[2] And, finally, the combinations of manufacturers into powerful associations enabled them to exert an influence on the government in its tariff legislation. These factors all worked against the small manufacturer, breaking up that "self-reliant localism" in industry which had prevailed generally before the war.

The lion's share of the benefits of the new industry went to the capitalists. Prices and profits increased far more rapidly than wages, the estimated ratio for the whole period of the war being about 100 to 55. Those who felt the pinch of high prices most were the classes without organization for exerting pressure on the economic world,—the unskilled laborers and the poor seamstresses,—or people living on fixed salaries, like clerks,

[1] Speaking at one of the great fairs of the Sanitary Commission at Baltimore in 1864, President Lincoln said: "I am not accustomed to the language of eulogy; I have not studied the art of paying compliments to women; but I must say that if all that has been said by orators and poets since the creation of the world in praise of women were applied to the women of America, it would not do them justice for their conduct during this war. I will close by saying, God bless the women of America!"

[2] Fite cites the example of the textile industry. There was a tax of 2 cents a pound on the sale of raw cotton, 6 cents a pound on the yarn, 6 per cent on the woven product, 6 per cent on the dyed fabric. The firm which did its own spinning, weaving, and dyeing avoided all these taxes but the last (E. D. Fite, "Social and Industrial Conditions in the North during the Civil War," p. 166).

clergymen, school-teachers, and college professors.[1] Before the war there were very few labor unions in the country, and those were limited in location and meager in membership. "In general," says Fite, "labor was contented when the war came and little need of united action was felt."[2] But with the sharp rise in prices and the tightening of capitalistic control, labor began rapidly to organize. Painters, plasterers, carpenters, hat-makers, bricklayers, masons, tailors, telegraphers, engineers, cigar-makers, and a score of other trades were unionized. Nearly fifty new unions were represented at a meeting in New York near the close of 1863. Indeed, the modern problems of American labor—the strike, the boycott, the lockout, the "scab," picketing, collective bargaining, arbitration—may almost be said to have originated in the sharp bifurcation of capital and labor during the Civil War.

This concentration of industrial life was simply one aspect of the general centralizing tendency of the war. Our country was first welded into a true Union in the fierce fires of that ordeal. The national state replaced the federation of states. The war was not only the triumph of the North over the South, of freedom over slavery—it was also the triumph of nationalism over states' rights, of Webster over Calhoun. Besides creating a national currency, a national banking-system, a national army, and national taxes, the war extended and enhanced the power of the central government in a score of ways. All the jealous restrictions of a former generation were broken through. Congress assessed a direct tax upon the states, raised a national militia within their borders, cut off the western counties of Virginia and admitted them as a new state to the Union, exercised full sovereignty in all the territories, gave homesteads to West-

[1] For example, women in New York City, in 1864, working fourteen hours a day making underwear earned less than $1.50 a week. Eight hundred school-teachers in Philadelphia received 80 cents a day—less than a washerwoman's wages.

[2] "Social and Industrial Conditions in the North during the Civil War," p. 204. The London *Times* of December 1, 1863, said, "If ever there was a country in which labor was in clover, in which it was petted and humored, it certainly was this North American community."

ern farmers, endowed colleges in all the states for the promotion of agriculture and the mechanical arts, made large grants of land to a Pacific railroad and underwrote its bonds. The National Republicans of 1825, a John Quincy Adams or a Henry Clay, would have stood aghast at the nationalism of the Republicans of 1865. When Abraham Lincoln was inaugurated in 1861, he stood before "blocks of marble and piles of iron castings" of an unfinished Capitol. During the war the House and Senate wings were completed and the building was crowned with its majestic dome. The finished Capitol was the symbol of the achievement of the national state. Had the South won its independence it is not probable that it could any more have maintained the contradiction of a "nation" of "sovereign states" than could our government in the days of the Confederation.[1]

It remains to speak briefly of our foreign relations during the war. The governments of Europe, with two conspicuous exceptions, were favorable to the Union. Great Britain, still governed by an aristocracy which had not changed essentially since the eighteenth century, and France, under the hypnotic influence of that prince of adventurers the emperor Napoleon III, gave their official (and often officious) sympathy to the Confederacy. The governing class in England regarded the planter aristocracy of the South as a higher social order than the assertive, leveling democracy of the North, while the great mercantile and industrial interests on which the power of the Whig aristocracy was based resented the protective tariff and the blockade of the cotton ports. Napoleon's animus against the Union proceeded rather from a general jealousy of the power of the great transatlantic republic and the desire to complete his uncle's abandoned project of restoring the diminished influence of the Latin race in the Western Hemisphere. Napo-

[1] Rhodes contrasts centralization North and South as follows: "The Federal government may be called a dictatorship. Congress and the people surrendered certain of their powers and rights to a trusted man. The Confederacy was a grand socialized state, in which the government did everything. It levied directly on the produce of the land and fixed prices. It managed the railroads, operated manufacturing establishments, owned merchant vessels, and carried on foreign commerce" ("History of the Civil War," p. 394).

leon was far less scrupulous than the Queen's ministers in observing the obligations of a neutral. He tried in vain to get Great Britain and Russia to join him in forcing the United States to agree to an armistice of six months. He encouraged the extreme pro-Southern advocates in Parliament, like Roebuck. He gave audiences to Jefferson Davis's special envoy, Slidell, permitting him to have ships built for the Confederacy in Bordeaux and Nantes, provided their destination were kept secret. He was instrumental in floating the only considerable Confederate loan in Europe (see page 609). And, finally, he defied the Monroe Doctrine by erecting an empire in Mexico at the point of French bayonets. But, on the whole, our contract with France was so slight that we could permit Napoleon to continue his persistent and ineffective meddling until the close of the war, when we promptly extinguished his phantom empire in Mexico.

Great Britain, on the other hand, was the one European power with whom our relations had been continuous, intimate—and generally unfriendly. As mistress of the seas, as our chief transatlantic customer, as our permanent neighbor on the north, as the people bound to us by the ties of kinship, language, and tradition, Great Britain could never be regarded with indifference by the United States. We expected England to understand us better, to judge us more fairly, to support our common ideals of liberty more heartily, than did any other foreign nation.[1] But

[1] This solicitude appears constantly in public dispatches and private correspondence, in lectures, sermons, essays, and poetry, during the war, sometimes in the pathetic language of disillusionment, sometimes in accents of bitter reproach. Lowell wrote in his second series of "Biglow Papers":

> "We know we have a cause, John,
> Thet's righteous, just, and true;
> We thought 'twould win applause, John,
> Ef nowheres else, from you."

The correspondence of Charles Sumner and John Bright is filled with this sentiment. Our minister to England, Charles Francis Adams, sums up the indictment against Great Britain as follows: "That Great Britain did, in the most terrible moment of our domestic trial in struggling with a monstrous social evil she had earnestly professed to abhor, coldly and at once assume our inability to

from the very beginning of the war President Lincoln had nothing but trouble with the Palmerston ministry. In the first place, the Queen's proclamation recognized the Confederacy as a belligerent power in May, 1861, before the South had won a battle on land or sea and before the American minister had arrived in London. There was no intention of offending the United States in this action, as Lord John Russell, the Foreign Minister, explained to Adams. It was only Great Britain's way of announcing her strict neutrality. Moreover, Lincoln, by his proclamation of a blockade a month before, had virtually recognized the South as a belligerent power. For all that, England's action seemed like a premature expression of sympathy for the Montgomery government, and it certainly gave encouragement and standing to the Confederate agents who had been sent abroad to purchase supplies and win the favor of the European powers.

Toward the close of the year the resentment against Great Britain found expression in a dramatic incident. Messrs. Mason and Slidell, commissioners of the Confederate government to England and France respectively, passed through the blockade and on November 7 boarded the British mail steamer *Trent* at Havana, bound for Liverpool. The next day the American sloop-of-war *San Jacinto*, Charles Wilkes captain, stopped the *Trent* by a shot across her bows and forcibly removed the commissioners, carrying them to a fort in Boston Harbor. The whole North rang with cheers for Captain Wilkes. He was congratulated by Secretary Welles, fêted by the merchants of Boston, and complimented by Congress. Nevertheless, his deed was a violation of the law of nations and of the very principle which we had fought to maintain in the War of 1812 with Great Britain. When news of the *Trent* affair reached England the ministry dispatched 8000 troops to Canada and instructed Lord Lyons, their representative at Washington, to demand his passports if the prisoners were not released within

master it, and then become the only foreign nation [?] steadily contributing in every way possible to verify its prejudgment" (James Schouler, "History of the United States," Vol. VI, p. 116).

a week. But Secretary Seward and Charles Sumner, chairman of the Senate Committee on Foreign Relations, had already convinced the administration, if not the country, of the injustice of Wilkes's action. Seward replied to Lord Lyons on December 26 that Mason and Slidell would be "cheerfully liberated." They were put on board an English steamer at Provincetown, Massachusetts, and the incident was closed, much to the disappointment of the South and of the "war-mongers" in England, who were anxious to aid in the disruption of the Union. Naturally, the *Trent* affair did not help to smooth the relations of the United States with Great Britain.

But the most serious matter of controversy between the two countries was the building of ships in British yards to prey on the commerce of the United States. An act of Parliament of 1819 (the Foreign-Enlistment Act) forbade any subject of the realm to "equip, furnish, fit out, or arm any ship to be employed in the service of a foreign state, to commit hostilities against any state at peace with Great Britain." James Bulloch of Georgia (a maternal uncle of Theodore Roosevelt) had been sent to England by the Confederate government to buy armed ships to molest the commerce of the United States. He secured from eminent English lawyers the opinion that it would be no infringement of the Foreign-Enlistment Act to *build* ships in Great Britain for any purpose, provided they were not "equipped" there, or to equip and arm them anywhere *outside* the realm. On the strength of this quibble he persuaded the shipbuilders of the Clyde and the Mersey to set to work. The *Oreto* was built by Laird and Sons at Birkenhead, ostensibly for the Italian government, and sailed for Nassau in March, 1862, where she was fitted out with her armament and, under the name of the *Florida*, was run into Mobile Bay. The "290," a much more powerful war vessel, was under construction at the same yards when Adams called the attention of the ministry to the breach of neutrality and asked that the vessel be detained. While the Collector of the Customs, the Lords of the Admiralty, the crown lawyers, and the Attorney-General were conducting their ponderous campaign of cross reference over the case, the

"290" was completed. She slipped out of Liverpool the day before the orders for her detention came from the Solicitor-General. Proceeding to the Azores, she received her heavy armament and was delivered over to Captain Semmes of the Confederate navy as the *Alabama*.[1] The *Georgia* was built on the Clyde early in 1863 and armed on the French coast. The *Alexandra* (named for the new Princess of Wales) was built at Liverpool but held in port by the orders of the government. After a long process in the courts the builders were acquitted of breaking the Foreign-Enlistment Act. The vessel, however, was not delivered to the Confederacy. Finally, Adams made repeated, and as he feared fruitless, attempts to get Earl Russell to detain two powerful ironclad rams which Bulloch had building with the Lairds at Birkenhead. On September 5, 1863, Adams wrote to Russell in the language of an ultimatum, "It would be superfluous in me to point out to your lordship that this is war." But the ministry, instructed by the case of the *Alabama*, and impressed by the victories of Gettysburg and Vicksburg, had already given orders two days before to have the rams detained. With this virtual confession of her illegal conduct, Great Britain ceased to give aid and comfort to the Confederacy.

The damage wrought by these commerce-destroyers was enormous. The merchant fleet of the United States was practically driven from the ocean. "The *Georgia*, on her second voyage," said W. E. Forster in Parliament, "did not meet a single American vessel in six weeks, though she saw more than 70 vessels in a few days." The *Alabama* alone destroyed more than 60 American merchant ships before she was sunk by the *Kearsarge* off the coast of Cherbourg, France, in a spectacular battle, June 19, 1864. The *Shenandoah* was still roaming the Pacific in search of her prey weeks after the war had ceased.[2]

[1] Jefferson Davis said later, "There was no secrecy about the building of the *Alabama*."

[2] The story of England's reparation for the damage done by these vessels, as determined by the adjudication of the "*Alabama* claims" at Geneva, in 1872, belongs to a later chapter.

Napoleon's rash venture can be disposed of in a few words. Mexico, enormously rich in undeveloped natural resources but distracted by revolution and burdened with debt, had offered a tempting field for foreign invasion ever since her independence from Spain. In the autumn of 1861 Great Britain, France, and Spain agreed at London on a joint expedition to Mexico to force the payment of her debts to them and the better protection of their citizens. Great Britain and Spain withdrew their fleets in the spring of 1862; but Napoleon determined to overthrow the government of President Juarez and set up a state to his own liking in Mexico. Under General Forey and Marshal Bazaine, 35,000 French soldiers fought their way up to Mexico City, where Bazaine organized a "government" of subservient factionists, who formally offered the crown of the "Mexican Empire" to Napoleon's candidate, the Archduke Maximilian of Austria. That inoffensive and debonair prince, in an evil hour for his own happiness, accepted the precarious honor in an elaborate ceremony at his palace of Miramar, on the Adriatic. In June, 1864, he arrived in Mexico to rule his strange and unwilling subjects.

The government at Washington kept a watchful eye on all these proceedings, although, much to the disappointment of the South, it refused to be diverted by them from its main task of winning the war. Seward warned Napoleon, in mildly remonstrative dispatches, that Mexico must enjoy a government of its own choice, and seemed willing for the time being to believe Napoleon's protestations that that was just what he was trying to give her. In spite of a belligerent resolution by the House,[1] in April, 1864, the administration held to its noncommittal

[1] The resolution was proposed by Henry Winter Davis, whose opposition to Lincoln's 10 per cent plan for the reconstruction of the Southern states we have already studied (p. 599). It declared that "it does not accord with the policy of the United States to acknowledge any monarchical government erected on the ruins of any republican government in America, under the auspices of any European power." The South, hoping that the United States and France would become embroiled, taunted Seward for his "gingerly" handling of the Mexican situation, accusing the administration of "arrant cowardice" for not vindicating the Monroe Doctrine.

course, refusing to be stampeded into a war with France. As soon as the Civil War was over, however, General Sheridan was sent to the Texas border as a warning that the forbearance of the United States respecting this flagrant violation of the sovereignty of the Mexican Republic was at an end. The story of the withdrawal of the French troops and the seizure and execution of the guileless puppet "Emperor" Maximilian belongs to a later chapter.

On the fourteenth of April, 1865, the fourth anniversary of the surrender of Fort Sumter, a great celebration was held in Charleston. At high noon General Anderson raised above the ruined walls of Sumter the same tattered flag that he had hauled down, while the guns from all the forts which had opened fire on that flag, in the gray dawn four years before, now greeted it with the national salute. At the banquet in the evening, in the city of Rhett and Calhoun, the list of speakers included the name of William Lloyd Garrison. That same evening, President Lincoln, relieved from the awful burden of four years, was seated with his wife and friends in a box at Ford's theater, when a self-appointed avenger of the defeated South, a half-deranged actor named John Wilkes Booth, stole up behind him and shot him in the back of the head. The President was carried unconscious to a house across the street, where he lingered till morning. At 7.21 his fitful breathing ceased and the low moans were stilled. Stanton, with streaming eyes, pronounced his epitaph: "Now he belongs to the ages."

"Sic semper tyrannis!" was Booth's cry as he leaped from the President's box to the stage of the theater—"So be it ever to tyrants!" But no single trait of the tyrant's nature—pride, passion, cruelty, fear, suspicion, hate—found a place in Abraham Lincoln's noble heart. If he was, as Stanton said, "the most perfect ruler of men that ever lived," it was because his large sympathy embraced all the springs and motives of men's deeds. He never wished to rule, but only to "know and understand." "Come, now, let us reason together," was the divine invitation forever on his lips. And his justice was "likest God's" because mercy tempered it. His mind was already wholly occupied with

the healing of the nation's wounds. Three days before his assassination he spoke, in his last public utterance, from the balcony of the White House, of an announcement which he intended to make to the people of the South. In a last cabinet meeting on his last day, his words were all of kindness and sympathy for his fellow citizens who had been restored to the Union. He died at a moment propitious for his fame, quit of the greatest service that a man can do—the saving of the state. His name, with Washington's, will forever be a priceless heritage to the generations of our Republic.

Our children shall behold his fame,
The kindly-earnest, brave, foreseeing man,
Sagacious, patient, dreading praise not blame,
New birth of our new soil, the first American.

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